AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 118–638

Senate Hearings

Before the Committee on Appropriations

Commerce, Justice, Science, and Related Agencies Appropriations

Fiscal Year 2025

118*th* CONGRESS, SECOND SESSION

H.R. 9026/S. 4795

DEPARTMENT OF COMMERCE
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NATIONAL SCIENCE FOUNDATION
NONDEPARTMENTAL WITNESSES

Commerce, Justice, Science, and Related Agencies Appropriations, 2025 (H.R. 9026/S. 4795)

S. HRG. 118–638

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

ON

H.R. 9026/S. 4795

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2025, AND FOR OTHER PURPOSES

Department of Commerce
Department of Justice
Federal Bureau of Investigation
National Aeronautics and Space Administration
National Science Foundation
Nondepartmental Witnesses

Printed for the use of the Committee on Appropriations

Available via the World Wide Web: http://www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

55–290 PDF WASHINGTON : 2025

COMMITTEE ON APPROPRIATIONS

PATTY MURRAY, Washington, *Chair*

DIANNE FEINSTEIN, California [1]
JACK REED, Rhode Island
JON TESTER, Montana
JEANNE SHAHEEN, New Hampshire
JEFF MERKLEY, Oregon
CHRISTOPHER A. COONS, Delaware
BRIAN SCHATZ, Hawaii
TAMMY BALDWIN, Wisconsin
CHRISTOPHER MURPHY, Connecticut
JOE MANCHIN, III, West Virginia
CHRIS VAN HOLLEN, Maryland
MARTIN HEINRICH, New Mexico
GARY PETERS, Michigan
KYRSTEN SINEMA, Arizona [2]

SUSAN M. COLLINS, Maine, *Vice Chair*
MITCH MCCONNELL, Kentucky
LISA MURKOWSKI, Alaska
LINDSEY GRAHAM, South Carolina
JERRY MORAN, Kansas
JOHN HOEVEN, North Dakota
JOHN BOOZMAN, Arkansas
SHELLEY MOORE CAPITO, West Virginia
JOHN KENNEDY, Louisiana
CINDY HYDE-SMITH, Mississippi
BILL HAGERTY, Tennessee
KATIE BRITT, Alabama
MARCO RUBIO, Florida
DEB FISCHER, Nebraska

EVAN SCHATZ, *Staff Director*
ELIZABETH MCDONNELL, *Minority Staff Director*

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

JEANNE SHAHEEN, New Hampshire, *Chairman*

DIANNE FEINSTEIN, California [1]
JACK REED, Rhode Island
CHRISTOPHER A. COONS, Delaware
BRIAN SCHATZ, Hawaii
JOE MANCHIN, III, West Virginia
CHRIS VAN HOLLEN, Maryland
JEFF MERKLEY, Oregon
GARY PETERS, Michigan
MARTIN HEINRICH, New Mexico [3]

JERRY MORAN, Kansas, *Ranking Member*
LISA MURKOWSKI, Alaska
SUSAN M. COLLINS, Maine
SHELLEY MOORE CAPITO, West Virginia
JOHN KENNEDY, Louisiana
BILL HAGERTY, Tennessee

Professional Staff

JESSICA BERRY
MICHAEL BEDNARCZYK
LINDSAY ERICKSON
BLAISE SHERIDAN
ANGELA CAALIM

BRIAN DANER *(Minority)*
KEVIN WHEELER *(Minority)*

Administrative Support
ALEX SHULTZ *(Minority)*

[1] Died September 29, 2023.
[2] Appointed to Committee October 18, 2023.
[3] Appointed to Subcommittee November 2, 2023.

CONTENTS

HEARINGS

WEDNESDAY, APRIL 17, 2024

Page

Department of Justice 1

WEDNESDAY, MAY 15, 2024

Department of Commerce 55

THURSDAY, MAY 23, 2024

National Aeronautics and Space Administration 133
National Science Foundation 133

TUESDAY, JUNE 4, 2024

Federal Bureau of Investigation 183

BACK MATTER

List of Witnesses, Communications, and Prepared Statements 377

Nondepartmental Witnesses 233

Subject Index:
- Department of Commerce 381
- Department of Justice 381
- Federal Bureau of Investigation 381
- National Aeronautics and Space Administration 381
- National Science Foundation 382

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

WEDNESDAY, APRIL 17, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:30 a.m., in room SD–192, Dirksen Senate Office Building, Hon. Jeanne Shaheen (Chair), presiding.

Present: Senators Shaheen, Murray, Reed, Coons, Manchin, Van Hollen, Peters, Heinrich, Moran, Murkowski, Collins, Capito, Kennedy, Britt, and Fischer.

U.S. DEPARTMENT OF JUSTICE

OPENING STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. Good morning. The Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, will come to order.

Welcome to today's hearing to review the President's fiscal year 2025 funding request for the Department of Justice.

Our witness today is Attorney General Merrick Garland. Welcome, General Garland. Because this is our first hearing for the subcommittee of the year, I also wanted to recognize and thank my colleague and Ranking Member Senator Moran. We have worked very cooperatively throughout 2024 and in our other years on the subcommittee, and I know that will continue, and I appreciate that. So thank you, Senator Moran.

I fully believe that this subcommittee will continue its important and bipartisan work this year, both in this subcommittee and under the leadership of Full Committee Chair Murray, and Vice Chair Collins. And once again, I am ready to get to work, and look forward to continuing that bipartisan effort. And I think that we will probably be joined later by Chair Murray and Vice Chair Collins.

This year, the President's fiscal year 2025 budget request for the Department of Justice is $39 billion in direct discretionary spending. That is a 5 percent increase compared to fiscal year 2024 enacted for the Department. But unfortunately, we are in a fundamentally different position than the last time you appeared before this committee, Attorney General.

Last year, we were discussing increases provided in the fiscal year 2023 funding legislation, and where the Department was pro-

posing program increases to reflect a decade of efforts to rebuild after the impacts of the Budget Control Act and post-sequestration. Now, we are faced with the impacts of significant cuts in fiscal year 2024 that came as a result of the Fiscal Responsibility Act's discretionary spending limits. Our bill faced a 3 percent cut compared to 2023. That is roughly $2.5 billion less than we had in the prior year to fund our bill. Those effects are real, and we are hearing for good reason from all of our affected agencies about what this truly means for staffing and daily operations.

For the Department of Justice those cuts meant $1.2 billion less in fiscal 2023, and we don't know what 2025 will bring, but we remain under the constraints of the Fiscal Responsibility Act, and I am concerned about those continued cuts to discretionary spending. Those cuts have very real consequences as we know. The FBI is a good example of those impacts. Despite a relatively modest cut of $32 million or 0.3 percent to salaries and expenses; the amount needed for the FBI to maintain its current services for 2024 is actually $484 million. And this directly affects the FBI's ability to counter threats of terrorism and keep our country safe.

The cuts will reduce FBI's ability to counter threats of terrorism, combat violent crime, drugs, gangs, and transnational organized crime. Increases are also requested to combat drug trafficking and prevent overdose deaths in our communities, and that is a particular issue for my home State of New Hampshire.

As I noted last year, critical grant programs rely on the Crime Victims Fund, which continues to experience historically low deposits. I look forward to continuing to work together to ensure that the Crime Victims Fund remains solvent, and welcome the discussion today about how the Department is pursuing both short- and long-term solutions to ensure the Crime Victims Fund remains a dependable source of funding for survivor resources. As I said earlier, I also look forward to working with the Department as we look at the resources for the Antitrust Division to ensure that they can continue to do their work.

Now, before I close, I want to thank the over 116,000 career employees of the Department of Justice, including law enforcement personnel, intelligence analysts, and attorneys, for their tireless work each day to keep Americans safe. Their work is not easy, but it is vital to our country, and I am grateful for their service.

Mr. Attorney General, I look forward to your testimony and our discussion today. And I will submit my full statement for the record.

Senator SHAHEEN. And now I would like to recognize the subcommittee Ranking Member, Senator Moran.

OPENING STATEMENT OF SENATOR JERRY MORAN

Senator MORAN. Chair Shaheen, thank you very much, thank you for convening this hearing, and thank you for the cooperation that you have exhibited with me on this side of the dais. I enjoy working with you, and I look forward to doing so in this new fiscal year. The complaint yesterday in a hearing was: Well, you did get your appropriation bills done, but they were 6 months late. So maybe we can get them done and get them done on time, and that would be a great, a significant accomplishment, although some-

thing that ought to. Every city, every county, every school board in Kansas passes a budget in a timely fashion, and deals with their issues, and I hope that our committee can do the same.

And General, thank you for your presence here. Thanks for the new time and adjusting to the Senate's schedule today.

We are, what we faced last year I think was a 2.9 percent cut, and we reduced the spending in the Commerce, Justice, Science arena by $2.5 billion, and we will work to see if we get a good and fair allocation to, hopefully, make things slightly different and better in this fiscal year.

This hearing is timely and critically important. Kansans, in fact all Americans are facing extraordinary threats to their security, both from threats here at home and abroad, and the Department of Justice is an integral component of addressing those challenges. First, President Biden's challenges, the affairs at the southern border has led to a national security and humanitarian crisis with grave repercussions, we have lost our ability to manage, and in some cases even know who is crossing our borders. That includes agents of foreign powers, potential terrorists, and others who mean to undermine our institutions.

Additionally, it is well-established that most of the illicit fentanyl in this country was flooded across the southern border by Mexican cartels. I hope to hear how the Department plans to disrupt and dismantle these cartels and their distribution networks.

Second, events in the Middle East, including Hamas' vicious attack on October the 7 on Israel, and Iran's support for proxy forces, and now their own actions, have dramatically elevated the risk of terrorist attacks in the United States. We face serious threats of coordinated attacks, as was just seen; it happened in Russia.

Third, violent crime continues to plague communities across our country. Modest declines in the FBI Unified Crime Reporting Statistics mean little when compared to the experiences people across the country have encountered and been harmed or traumatized by that crime. The DOJ's own reporting, that National Crime Victimization Survey showed that a total violent crime victimization rose in 2022.

Finally, cyber capabilities of our enemies are continuing to improve, putting our system at greater risk. Foreign adversaries, including China, Russia, and criminal gangs that operate under the support and protection, are targeting municipal drinking water systems, businesses, small and large. In fact, Mr. General—Attorney General, our State's Judicial Branch was subjected to a cyber attack that was certainly disabling for a significant number of months. And the agricultural interest in Kansas, our industry in Kansas has had these experiences as well.

Virtually every aspect—excuse me—aspect of modern life depends upon the networks and systems our adversaries are targeting, and the threats cannot be understated. We live in a dangerous world, Attorney General, as you well know. I was with the FBI Director in Kansas, 10 days ago, 2 weeks ago, he expressed—it was a cybersecurity conference, he expressed that, quote: It would be hard—he would be hard pressed to think of a time where so many threats to our public safety and national security were so elevated, all at once.

Those are challenges that your Department faces every day. I wish them success and I wish to be helpful in making certain that we are able to address and reduce those safety and national security issues.

I hope this conversation that we have today will instill confidence in the American people that the Department of Justice is working to address threats like these and to make our world, our country, and our communities a safer place.

Chair Shaheen, again, thank you; and Attorney Garland—Attorney General Garland, thank you again for being with us. I look forward to hearing your testimony.

Senator SHAHEEN. Thank you very much, Senator Moran. Mr. Attorney General, the floor is yours.

STATEMENT OF HON. MERRICK GARLAND, ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Attorney General GARLAND. Thank you, Chair Shaheen, Ranking Member Moran, and distinguished Members of this Subcommittee for the opportunity to discuss the Justice Department's funding request for fiscal year 2025.

Since I last appeared before you, the public servants of the Justice Department have continued to advance our mission to keep our country safe, to protect civil rights, and to uphold the rule of law. Our U.S. Attorneys' Offices, law enforcement agents, and grant-making experts have worked together with police and community partners across the country to help drive down violent crime.

We have gone after the cartels that traffic in deadly fentanyl. We have prosecuted fraud, recovered stolen funds, and challenged illegal monopolies. We have investigated and prosecuted hate crimes that terrorize entire communities. We have worked to defend the reproductive freedoms that are protected by Federal law. We have worked to combat a disturbing threat—a disturbing spike in threats of violence against those who serve the public, including judges, police officers, senators, and even against our own employees. And in everything we do, we have worked to ensure the equal protection of law that is the foundation of our democracy.

I am proud of the work we have done. And I am deeply proud of the way the Department's public servants, from our agents, to our attorneys, to our administrative staff, have gone about their work. They have conducted themselves in a way the American people should be proud of. But we recognize that we have much more to do. Our fiscal year 2025 budget request reflects the difficult budget environment that we are in, and the extremely difficult choices that we had to make because of it.

It also reflects the resources that we need now more than ever to continue our work. When I became Attorney General, 3 years ago, I knew that grappling with the violent crime that surged during the pandemic would be one of our greatest challenges.

I am glad to be able to report that last year we saw a significant decrease in overall violent crime compared to the previous year, including an over 13 percent decline in homicides. That is the largest 1 year drop in homicides in 50 years, and data indicates that this decline is continuing, as The Wall Street Journal recently reported, just this week, in the first 3 months of this year, homicides

dropped 20 percent across 133 cities as compared to the same period last year.

But I want to be very clear, there is no acceptable level of violent crime. Too many communities are still struggling, too many people are still scared, and the hard-fought progress that we are seeing can easily slip away. We must remain focused and vigilant. To continue to keep—to help keep our country safe from a range of threats, we are seeking a total of $21 billion to support the FBI, ATF, DEA, U.S. Marshals Service, and the U.S. Attorneys' Offices, as well as the Criminal Division and the National Security Division.

We will use these resources to prosecute illegal gun traffickers and straw purchasers, to invest in the advanced technological tools that help us fight gun violence, and to hold accountable the cartel members, leaders, and associates who are responsible for poisoning our communities with fentanyl. We will use these resources to counter the threats that the governments of Iran, Russia, China, and North Korea pose to our country, and we will use these resources to strengthen our work to counter both foreign and domestic terrorism.

As the FBI Director has testified, we are facing an increasing threat of foreign terrorism since October 7. That is why the Department also urges the Senate to act to reauthorize Section 702 of the Foreign Intelligence Surveillance Act before it expires this Friday. As you know, Section 702 is indispensable to our work to protect the American people from cyber Nation-State terrorists, and other threats.

In addition to our own prosecutorial investigative resources, we also recognize the importance of our partnerships to help keep our country safe. So we are seeking investments in the Department's three grant-making components: the Office of Justice Programs, the Office of Community Oriented Policing Services, and the Office on Violence Against Women. They support community and law enforcement partners through more than 200 grant programs.

Our budget requests more than $4.3 billion to support the public safety efforts of our State, local, Tribal, and territorial law enforcement and community partners, including $2.5 billion for the COPS Program. And as part of our effort to administer safe and humane Federal detention and prison systems, we are requesting $8.8 billion for the Bureau of Prisons. That includes resources to address urgent staffing and infrastructure needs.

As I have noted many times before, when the Justice Department was founded in 1870 one of its principal purposes was the protection of civil rights. Protecting both the safety and the civil rights of everyone in our country remains our urgent obligation. Our budget seeks $201.3 million for the Civil Rights Division to continue its essential work, including: to deter and prosecute hate crimes, to ensure constitutional policing, to enforce Federal laws prohibiting discrimination in all forms, and to protect the right of all eligible citizens to vote and to have that vote counted.

The right to vote is the cornerstone of our democracy; protecting that right requires us to protect the citizens who we rely on to fairly administer our elections. Our democracy cannot function if the

officials, workers, and volunteers who administer our elections have to fear for their lives just for doing their jobs.

The Justice Department is aggressively investigating and prosecuting those who threaten election workers with violence, and we will continue to do so. As I said, I am extremely proud of the work of the Department's employees, the work that they are doing to advance our mission. Their work brings them face to face with some of our country's greatest challenges, and many of them risk their lives to protect the public. I am grateful to them, and I am honored to be here to represent them.

I respectfully ask for your support for the President's fiscal year 2025 budget requests so that we can continue our work on behalf of the American people. Thank you.

[The statement follows:]

PREPARED STATEMENT OF MERRICK B. GARLAND, ATTORNEY GENERAL OF THE UNITED STATES DEPARTMENT OF JUSTICE

INTRODUCTION

Good afternoon, Chair Shaheen, Ranking Member Moran, and distinguished Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the President's Fiscal Year (FY) 2025 funding request for the United States Department of Justice.

Since I last appeared before you, the more than 115,000 employees of the Justice Department have continued to work tirelessly to fulfill our mission to keep our country safe from all threats, foreign and domestic; to protect the civil rights of everyone in our country; and to uphold the rule of law that is the foundation of our system of government.

Our law enforcement agents, prosecutors, and grantmaking experts have continued to work closely with police and community partners across the country to help protect the safety of the American people.

That has included our efforts with law enforcement and community partners to replicate successes we have seen in communities that are driving down the violent crime that spiked during the pandemic. Our U.S. Attorneys' Offices and our Criminal Division are going after the individuals and gangs responsible for the greatest violence. Our law enforcement agencies are working with their state, local, Tribal, and territorial law enforcement partners to seize illegal guns and deadly drugs, including fentanyl. And our grantmaking components are working closely with local communities to provide targeted support and assistance. We are funding evidence-based, community-centered initiatives aimed at preventing and disrupting violence. We are supporting community policing efforts that build the public trust between law enforcement and the community that we know is essential to public safety. We are making critical investments in hiring law enforcement officers in communities nationwide to address the crisis in recruitment and retention. And we are providing much-needed resources for law enforcement officer health and wellness.

We know that we must remain focused and vigilant, but we are encouraged by recent FBI data indicating a decrease in violent crime in communities across the country in 2023 compared to the prior year, including an over 13% decline in homicides. This indicator of declining violent crime comes alongside other encouraging data we have seen released within the last year.

And in the wake of the October 7 terrorist attacks on Israel, we have worked closely with our law enforcement and community partners to monitor the impact the conflict in the Middle East may have in inspiring foreign terrorist organizations, homegrown violent extremists, and domestic violent extremists both in the United States and abroad. Following the October 7 attacks, I directed all of our U.S. Attorneys' Offices and all of our FBI Field Offices to meet with local law enforcement and community leaders to strengthen our response to threats of hate-fueled violence. We have seen a sharp increase in threats against Jewish, Muslim, Arab, and Palestinian communities, and we are aggressively investigating and prosecuting such threats. We will continue to do so.

We are continuing to prioritize our responsibility to protect both the safety and the civil rights of everyone in our country. We are prosecuting hate-fueled acts of violence and threats of violence. We are protecting the cornerstone of our democracy: the right of all eligible citizens to vote and to have that vote counted. We are work-

ing to ensure constitutional policing and to build trust between law enforcement and the communities they serve. And we are enforcing Federal law prohibiting discrimination in all its forms. Just last fall, only 2 years after I launched the Justice Department's Combating Redlining Initiative, I announced that we had secured more than $100 million for communities across the country that have been harmed by discriminatory lending practices.

The Justice Department is also continuing to fulfill the responsibility that underlies all of our work—upholding the rule of law. We are adhering to the norms that safeguard the Justice Department's independence and integrity. Principal among those norms is that we treat like cases alike. There is not one set of laws for the powerful and another for the powerless; one for the rich, and another for the poor; one for Democrats, another for Republicans; or different rules, depending upon one's race or ethnicity or religion. We follow the facts and the law. We do not tolerate improper influence of any kind. And we apply the law in a way that respects the Constitution.

Our work to uphold the rule of law includes protecting our country's democratic institutions and protecting those who serve the public from violence and threats of violence. Since the January 6, 2021, attack on the United States Capitol, the Department has engaged in one of the most complex and resource-intensive investigations in our history. We have initiated prosecutions and secured convictions across a wide range of criminal conduct that occurred on January 6, as well as in the days and weeks leading up to the attack. That includes convictions of those who brutally assaulted officers at the Capitol; those who obstructed the certification of the presidential election; and leaders of both the Proud Boys and the Oath Keepers for seditious conspiracy. So far, we have charged over 1,380 individuals and obtained over 940 convictions in connection with the January 6 attack.

We are also continuing to investigate and prosecute those who use violence and threats of violence to target Americans who serve and interact with the public at every level. Last month, as a result of the work of the Department's Election Threats Task Force, a man in Massachusetts was sentenced to three and a half years in prison for threatening an Arizona election official. Also, in February of this year, a woman in Texas was sentenced to 37 months in prison for threatening to assassinate a Federal judge in Florida. In February, we secured the conviction of a man in Florida for threatening to murder a member of Congress. During the first week in January, we charged a man in Connecticut for making threats against a Veterans Affairs Medical Center and a member of Congress, and we charged an individual in Florida for threatening to kill a member of Congress and the congressperson's children. Last December, we secured a year-long prison sentence for an individual in New Mexico who threatened to "put a bullet" in the face of a congresswoman. These cases represent just a fraction of the work the Department is doing to disrupt and prosecute violence and threats of violence against those who serve the public.

Securing the $37.8 billion in discretionary resources outlined in our FY 2025 budget request is critical to our efforts to advance the Department's mission in service of the American people.

KEEPING OUR COUNTRY SAFE

The Department's FY 2025 budget requests more than $21.0 billion to sustain and expand the capacities of our law enforcement components and U.S. Attorneys' Offices to help keep our country safe. This funding includes:

—$11.3 billion for the Federal Bureau of Investigation (FBI) to carry out its complex mission, including keeping our country safe from a multitude of serious and evolving threats—which include terrorism, espionage, cyber threats, violent crime, and the proliferation and potential use of weapons of mass destruction;
—$2.8 billion for the United States Attorneys' Offices, including resources to prioritize the prosecution of violent crime;
—$2.7 billion for the Drug Enforcement Administration (DEA) to combat drug cartels and the flow of deadly drugs into our communities (in addition to the $651.7 million dedicated to DEA's diversion control efforts);
—$1.9 billion for the U.S. Marshals Service (USMS) to assist local law enforcement in apprehending violent fugitives in our neighborhoods and to protect our nation's judges and courts;
—$2.0 billion for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to continue to implement the Bipartisan Safer Communities Act, to address the scourge of violent gun crime, and to support the National Integrated Ballistic Information Network and the National Services Center;

—$239.3 million for the Criminal Division to prosecute violations of Federal criminal law, including cybercrime, drug trafficking, child exploitation, and gang and gun-related violent crime; and
—$143.5 million for the National Security Division to enhance its ability to pursue national security threats, including threats posed by terrorism, cybercrime, and hostile nation-states.

Today, I would like to highlight four significant areas the Department is focused on in our efforts to help keep our country safe: protecting national security; combating violent crime and gun violence, including by supporting state, local, Tribal, and territorial law enforcement and building public trust; disrupting drug trafficking networks and preventing overdose deaths; and protecting Americans from economic harm.

Protecting National Security

The Justice Department's FY 2025 budget request includes nearly $7.7 billion for national security programs to combat the wide range of complex and evolving threats facing the United States—while protecting civil rights and civil liberties. At the beginning of this year, the Justice Department secured the guilty plea of the terrorist who attacked NYPD officers in Times Square on New Year's Eve in 2022. That case represents just a snapshot of the work the Department is doing to help counter the threat terrorism poses to our country. Our request includes more than $1.6 billion to support the counterterrorism work of our 94 U.S. Attorneys' Offices; our law enforcement components, including the FBI and the ATF; our grant-making offices; and our litigating divisions, including the National Security Division, the Civil Division, and the Criminal Division.

In addition to sustaining and strengthening our counterterrorism efforts, the Department's FY 2025 budget also requests investments in our work to investigate, prosecute, and otherwise disrupt the threats posed by the governments of the People's Republic of China (PRC), Russia, Iran, and North Korea. To address these threats, the Justice Department is bringing prosecutions against foreign agents attempting to undermine the rule of law in the United States, enforcing violations of economic sanctions and export controls, and combating transnational repression. For example, in February of this year, the Justice Department seized over $108 million and 500,000 barrels of fuel that would otherwise have enabled the Government of Iran to further its destabilizing activities, including its support of Hamas, Hizballah, and other Iranian-aligned terrorist groups.

In addition, the Justice Department recognizes the threat posed by nation-states that are using cyber operations to steal our intellectual property, target critical infrastructure, compromise our networks and supply chains, and cause significant economic harm. That is why just last month, we charged seven members of a hacking group backed by the Chinese government for their roles in a years-long scheme targeting U.S. and foreign critics, businesses, and political officials in furtherance of the PRC's economic espionage and foreign intelligence objectives. And, in February 2024, the Department conducted a court-authorized disruption of a botnet controlled by Russian intelligence services.

The Department is also accelerating its efforts alongside its international partners to meet the threat posed by ransomware groups. Two months ago, the Justice Department, together with our partners in the United Kingdom, disrupted the LockBit ransomware group. LockBit was one of the most active ransomware groups in the world and had targeted over 2,000 victims, receiving more than $120 million in ransom payments and making ransom demands totaling hundreds of millions of dollars. To meet the increasing and evolving cybercrime threat posed by both nation-states and criminal groups, the Justice Department's FY 2025 budget request includes over $1.3 billion to investigate, prosecute, and fight cybercrime and strengthen the Department's cybersecurity and cyber-resilience. The Department's FY 2025 budget also maintains critical resources for the Criminal and the National Security Divisions, as well as the FBI and our U.S. Attorneys' Offices, to pursue complex intellectual property crime investigations around the world.

The Department has pursued a number of measures to ensure accountability for Russia's full-scale, brutal, and unprovoked invasion of Ukraine. The Department launched Task Force KleptoCapture (TFKC) to further leverage our tools and authorities to combat efforts to evade or undermine U.S. sanctions and export controls. We also launched a War Crimes Accountability Team to bring to justice the individuals responsible for committing atrocities in Ukraine and deter future aggression. In December 2023, the Department filed the first-ever charges under the U.S. war crimes statute against four Russia-affiliated military personnel for heinous crimes against an American citizen.

Congress has been an important partner in strengthening these efforts. In January 2023, the President signed into law the Justice for Victims of War Crimes Act, which enables the Department to prosecute war criminals present in the United States regardless of where the offense occurs. And on December 29, 2022, the President signed into law the Additional Ukraine Supplemental Appropriations Act of 2023. Among other things, the Act authorizes the Department to conduct transfers of certain forfeited Russian oligarch assets to the Department of State to remediate the harms of Russia's invasion of Ukraine. In February 2023, I authorized the first transfer under this new authority.

Combating Violent Crime and Gun Violence, Supporting State, Local, Tribal, and Territorial Law Enforcement, and Building Public Trust

The Justice Department's strategy to reduce violent crime and gun violence is rooted in our partnerships: partnerships among Federal law enforcement agencies who are assisting in the fight against violent crime; partnerships with the state, local, Tribal, and territorial law enforcement agencies tasked with protecting their local communities; and partnerships with the local communities themselves. We are committed to providing our partners with the resources and tools that they need to keep communities safe and to strengthen the public trust that is essential to public safety.

As part of that strategy, the ATF, DEA, FBI, and USMS are partnering with state and local law enforcement agencies to embed agents, seize and trace guns used in crimes, disrupt violent drug trafficking, pursue fugitives, and provide other necessary support. And our prosecutors are focusing their resources on finding, arresting, and convicting the individuals who have repeatedly committed violent offenses and criminal organizations that are the principal drivers of violent crime. We have also surged prosecutorial resources to cities that experienced a record rise in violent crime. In Houston, Texas, and Memphis, Tennessee, we launched a Violent Crime Initiative that brought prosecutors from the Department's Criminal Division to work closely with prosecutors already on the ground to target those responsible for the greatest violence. That initiative also engages with community-based organizations that focus on violence prevention, intervention, and reentry programs. Earlier this year, we announced an additional surge of resources to Washington, D.C., to combat violent crime in our nation's capital. Earlier this month, we launched the next phase of our Violent Crime Initiative in St. Louis, Missouri; Jackson, Mississippi; and Hartford, Connecticut.

We have also been bringing to bear our advanced technological tools—ballistics analysis, firearms tracing, gun intelligence centers, and local fusion cells—in our work to disrupt illegal gun trafficking and reduce gun violence. The Department requests an increase of $18.7 million to enhance ATF's National Integrated Ballistic Information Network and Crime Gun Intelligence Centers.

Our FY 2025 budget request also reflects the Department's commitment to continuing to bring public safety resources to localities across the country that need it the most.

The Department's three grantmaking components, the Offices of Justice Programs (OJP), Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW), provide vital support to the Department's state, local, and Tribal partners through more than 200 grant programs.

The Department's FY 2025 budget includes $2.5 billion in discretionary and mandatory funding for the COPS Hiring Program to enable law enforcement agencies across the country to hire more full-time law enforcement professionals.

Our budget requests needed resources for the Office of Justice Programs (OJP) to advance community safety and build community trust. Those resources will fund critical longstanding grant programs, including $524.5 million for the Edward Byrne Memorial Justice Assistance Grant Program, including resources to fund the Department's Project Safe Neighborhoods program, and resources to fund the Office of Juvenile Justice and Delinquency Prevention grants. This funding will also support community violence intervention programs, as well as programming that promotes justice and healing for victims of crime. In addition, these resources will support the Department's Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Officer Safety and Wellness Initiative, which provides trainings, research, and guidance on preventing violence against law enforcement and supporting officer wellness.

The Department's FY 2025 budget includes resources to support the vital work of OVW to improve the country's response to domestic violence, dating violence, sexual assault, and stalking. The Department's request includes $800.0 million for OVW—an increase of $87.0 million above the FY 2024 enacted level—to support both longstanding OVW programs and newer ones, such as those addressing

cybercrimes against individuals and trauma-informed training for law enforcement officers. The request includes funding for programs to provide support to local, state, Tribal, and territorial partners, including prosecutors, officers, courts, and victim services, as well as homicide and domestic violence reduction initiatives.

In addition, the Department's FY 2025 budget seeks key resources to protect vulnerable communities and help victims of crime get back on their feet. That includes funding to combat child abduction and exploitation, protect victims of violence and abuse, reform juvenile justice systems, and expand access to sexual assault nurse examination programs. The budget also includes a legislative proposal to ensure stable and consistent funding levels for the Crime Victims Fund over the next decade.

The Department also seeks $29.1 million for the Community Relations Service to provide mediation and conciliation services to communities impacted by conflict.

Our FY 2025 budget requests funding for the Department to address the unique public safety challenges facing Tribal communities. Last month, I met with Tribal leadership, Tribal law enforcement, and victim services experts on the Crow Indian Reservation and heard about the challenges that Tribal victims of crime face in accessing the services they need to recover and feel safe in their communities. The Justice Department recognizes that more must be done across the Federal government to keep Tribal communities safe, and to address the crisis of missing or murdered Indigenous persons. We remain steadfast in our commitment to this work. To that end, we are seeking $713.2 million for our law enforcement agencies, U.S. Attorneys' Offices, Office of Tribal Justice, and grantmaking components to address the crisis of missing or murdered Indigenous persons, and to combat violent crime and support public safety initiatives in Indian Country. This includes $261.8 million in grants for Tribal assistance, victim services, Tribal youth programs, and domestic violence reduction programs, including $25.0 million to help Tribes hold accountable non-Indian offenders who commit certain violent crimes in their communities, such as sexual assault, domestic violence, and sex trafficking.

As part of the Department's work to end the gun violence epidemic, our FY 2025 budget requests resources to continue to implement the Bipartisan Safer Communities Act (BSCA). Since BSCA's enactment in 2022, the Department has brought charges against more than 420 defendants under the law's new firearms trafficking and straw purchasing criminal offenses.

In the 22 months since the passage of BSCA, the law's expanded background checks have already kept more than 700 firearms out of the hands of young people who are prohibited from having them. Our request seeks an additional $124.9 million to continue our efforts to disrupt gun violence and implement BSCA. The Department's budget proposes $884.0 million of mandatory funding for the new Gun Crime Prevention Strategic Fund in FY 2025 and $4.4 billion in total over the next 5 years. That Fund will provide grants to support police and prosecutors and provide an infusion of resources to enhance law enforcement access to promising technology and evidence-based training, and to modernize the recruitment and retention of a 21st century law enforcement workforce. In addition, the Fund will provide communities with resources they need to set up and support task forces to bring down homicide and gun violence.

Disrupting Drug Trafficking Networks and Preventing Overdose Deaths

The Justice Department is working every day to get fentanyl and other deadly drugs out of our communities and bring to justice those who put them there. Over the past 3 years, the Department has zeroed in on the Sinaloa and Jalisco cartels, the two largest and most violent drug trafficking operations in the world that have wreaked havoc on American communities. Our agents and prosecutors are working with state, local, Tribal, and territorial partners to break apart every link in the cartels' global supply chains, which includes the cartels' leaders, their drug traffickers, their money launderers, their clandestine lab operators, their security forces, their weapons suppliers, and their chemical suppliers. In 2023, DEA seized more than 79.5 million fentanyl-laced pills and nearly 12,000 pounds of fentanyl powder.

Earlier this month, the Department arrested dozens of Jalisco Cartel associates in Texas on charges of cocaine, fentanyl, heroin, and meth trafficking. In February, in New York, a precursor chemical broker of fentanyl and methamphetamine, who provided chemicals to several cartels, including the Jalisco Cartel, was sentenced to 18 years and 8 months in prison. Earlier this year, an associate of the Sinaloa Cartel was sentenced to over 21 years in prison for trafficking deadly drugs into the United States. Late last year, we charged the leaders of the violent Malas Manas cartel with human smuggling and drug trafficking. In October 2023, we announced charges against chemical companies and their employees based in China for trafficking fentanyl and methamphetamine precursor chemicals into the United States.

And in April 2023, I announced several significant actions the Justice Department took against the Sinaloa Cartel. This included charges against the cartel's leaders, its chemical suppliers, manufacturers, gun and drug traffickers, and money launderers. In September 2023, Ovidio Guzman Lopez, a leader of the Sinaloa Cartel, and the son of Joaquin Guzman Loera, also known as "El Chapo," was extradited from Mexico to the United States.

To continue this work, the Department's FY 2025 budget requests critical resources to combat violent drug cartels and to stop the flow of deadly drugs into our communities. This includes our request for:

—$3.3 billion for DEA's investigations, counterdrug efforts across 241 domestic offices and 93 foreign offices in 69 countries around the world, and diversion control;
—$1.4 billion for the USMS's efforts to capture drug trafficking fugitives and detain them;
—$188.9 million for the FBI's counterdrug operations, including targeting fentanyl and opioid trafficking on the Dark Web;
—$550.5 million for the Department's Organized Crime Drug Enforcement Task Forces (OCDETF) to combat transnational organized crime, money laundering, and major drug trafficking networks;
—$48.0 million for the Criminal Division's efforts to disrupt and dismantle drug trafficking networks; and
—$20.2 million for the Civil Division's efforts to advance national chain pharmacy litigation and opioid-related cases.

Last fall, I spent a morning with people from across the country who came to Washington, D.C., for DEA's second annual family summit. They attended the summit because they had lost a loved one to a drug poisoning or overdose and they wanted to do everything in their power to prevent that from happening to another family. I promised them that we would remember the victims of the poisoning and overdose epidemic, and that we would never give up in our efforts to pursue justice for them. I also told them that the Justice Department understands that no one person, and no one family can defeat this epidemic alone. That is why, in addition to our enforcement efforts, the Department is working every day to support communities in their efforts to confront the public health challenges of substance use. For FY 2025, the Department is requesting more than $490.0 million in grants to address the overdose epidemic, including an increase of $23.0 million over the FY 2024 enacted level for the Comprehensive Addiction and Recovery Act (CARA) grants to continue support for the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP), treatment court programs, the Justice and Mental Health Collaboration Program (JMHCP), the Veterans Treatment Court Program, and Prescription Drug Monitoring Programs.

Protecting Americans from Economic Harm

The Justice Department's FY 2025 budget request seeks resources to continue our essential work to promote economic competition, prevent the theft of intellectual property, deter and prosecute corporate crime, protect the government against fraud, and combat corruption.

That includes supporting the Department's efforts to vigorously enforce the antitrust laws that protect consumers from higher prices and fewer choices. In March, the Justice Department sued Apple for monopolizing smartphone markets in the United States, and earlier in the month, JetBlue announced that it had abandoned its $3.8 billion acquisition of Spirit Airlines after the Department proved in court that a merger between JetBlue and Spirit would have caused tens of millions of travelers to face higher fares and fewer choices.

Our request also seeks resources to continue our work to hold accountable the individuals responsible for corporate crime. In February of this year, officials from a corn milling company were sentenced to Federal prison for their roles in a deadly explosion that killed five workers in Wisconsin in 2017. In just the last 3 months of 2023, we secured the convictions of the CEOs of two of the largest cryptocurrency platforms in the world—FTX and Binance. In total, we charged over 4,800 white collar defendants nationwide in 2023.

We are also dedicating resources to addressing the increasing overlap between our work related to combating corporate crime and protecting our national security, including by investigating and prosecuting terrorist financing, export control circumvention, and sanctions evasion.

And we are devoting resources to recovering and protecting taxpayer dollars from fraud and abuse. Last fiscal year, settlements and judgments under the False Claims Act exceeded $2.68 billion, and the government and whistleblowers were

party to 543 settlements and judgments—the highest annual number of settlements and judgments in history.

Almost 3 years ago, I established the COVID–19 Fraud Enforcement Task Force to marshal the resources of the Department, in partnership with agencies across government, to combat, prevent, and prosecute COVID–19 related fraud. Since then, the Task Force has charged more than 3,500 defendants, secured more than $1.4 billion in forfeiture orders to recover stolen funds, and filed more than 400 civil lawsuits resulting in court judgements and settlements.

The Department supports legislation to extend the statute of limitations for criminal offenses and civil and administrative violations affecting COVID–19 pandemic relief funding. Such an extension is warranted because of, among other reasons, the size and number of the programs affected. Though the COVID–19 health emergency may have ended, the Justice Department's work to identify and prosecute those who stole pandemic relief funds is far from over.

To continue our work to protect Americans from economic harm, our FY 2025 budget request includes:

—$288.0 million for the Antitrust Division to help promote competition in the American economy and protect workers, consumers, and businesses alike;
—$426.4 million for the U.S. Attorneys' Offices to support their efforts to bring cases combating civil and criminal fraud and white collar crime;
—$502.0 million for the FBI to support its work investigating corporate crime, fraud, money laundering, intellectual property theft, and other economic crimes;
—$256.1 million for the Civil Division's efforts to enforce laws that protect the health, safety, and economic security of American consumers;
—$91.6 million for the Criminal Division to support its anti-fraud efforts and their investigations and prosecutions of white collar crime; and
—$129.3 million for the Tax Division, to support its vital work of enforcing our tax laws fully, fairly, and consistently.

PROTECTING CIVIL RIGHTS

The Justice Department was first established in 1870, in the wake of the Civil War and in the midst of Reconstruction, with the first principal purpose of enforcing the protections guaranteed by the 13th, 14th, and 15th Amendments. Protecting civil rights remains our urgent charge today. The Department's FY 2025 budget requests significant investments to advance our essential work to protect voting rights, combat hate crimes, foster trust and accountability in law enforcement, expand access to justice, reform the criminal justice system, defend federally protected reproductive rights, and advance environmental justice and tackle the climate crisis. It also includes resources to continue our work to enforce Federal laws prohibiting discrimination in lending. In February of this year, the Department reached a $13.5 million settlement with First National Bank of Pennsylvania to expand access to credit services for Black and Hispanic neighborhoods in North Carolina that for too long had been denied to them. With that settlement, the Justice Department's Combating Redlining Initiative has now secured over $122 million in relief for communities across the country.

To protect and advance civil rights, our FY 2025 budget request includes:

—$201.3 million for the Civil Rights Division—an increase of $19.7 million or 10.8 percent above the FY 2024 enacted level—to expand its efforts to protect civil rights, including deterring and prosecuting hate crimes, safeguarding fair elections, and combating discrimination;
—$114.5 million for the FBI to support its work to investigate alleged violations of civil rights laws;
—$55.8 million for the U.S. Attorneys' Offices to support their civil rights protection work; and,
—$10.4 million for the Office for Access to Justice to expand equal access to justice for all.

Protecting Voting Rights

The right to vote is the cornerstone of our democracy, the right from which all others flow. The Justice Department is continuing to vigorously protect voting rights using all resources and enforcement tools at our disposal. Our efforts have included increasing the number of enforcement attorneys in the Civil Rights Division to scrutinize emerging laws that curb voter access or discriminate against Black voters and other voters of color. Our efforts also include filing lawsuits throughout the United States to protect the right to vote and filing statements of interest and amicus briefs in Federal courts to weigh in on critical issues.

Combating Hate Crimes

No person and no community in this country should have to live in fear of hate-fueled violence and other unlawful acts. We have seen a sharp increase in hate crimes in recent years. That is why the Justice Department is bringing its collective tools to bear to prevent, deter, investigate, and prosecute hate crimes, as well as improve hate crimes reporting. The Department's FY 2025 funding request includes an increase of $6 million over the FY 2024 enacted level for OJP's Jabara-Heyer NO HATE Act program, and an increase of $8 million for the Matthew Shepard and James Byrd, Jr. Hate Crimes Program grants.

Fostering Trust and Accountability in Law Enforcement

The Justice Department is committed to ensuring constitutional policing and to strengthening trust and deepening relationships between law enforcement officers and the people they protect. Last month, after an investigation by the FBI and prosecution by the Department's Civil Rights Division and the U.S. Attorney's Office for the Southern District of Mississippi, six former Mississippi law enforcement officers were sentenced to between 10 and 40 years in prison for multiple flagrant felony offenses, including civil rights conspiracy, deprivation of rights under color of law, discharge of a firearm during a crime of violence, conspiracy to obstruct justice, and obstruction of justice. The Department is also continuing its work to investigate allegations of systemic misconduct by law enforcement agencies. We are committed to ensuring that the remedies for statutory pattern-or-practice violations are fair, transparent, and effective.

In June 2021, the Department's Federal law enforcement components were instructed to develop plans specific to their unique missions to expand the use of body-worn cameras. The Department's FY 2025 budget requests $94.0 million in new funding to strengthen trust and accountability in law enforcement by expanding, formalizing, and managing Body Worn Camera programs for the Department's law enforcement agencies.

ADDITIONAL AREAS OF DEPARTMENTAL FOCUS

Administering a Just and Efficient Immigration Court System

The Department's FY 2025 budget requests additional resources to administer our immigration laws. That means ensuring that every case is handled fairly, efficiently, and consistent with due process. The Executive Office for Immigration Review (EOIR) needs additional resources to address the backlog of cases in immigration court. Because of historic case volumes, that backlog has been growing for more than a decade, even though immigration judges completed record numbers of cases in FY 2022 and FY 2023. To help reduce this backlog, for FY 2025, the Department requests $981.1 million—a 16.2 percent increase over the FY 2024 enacted level—to enable EOIR to hire 159 new staff, including 25 new immigration judges. The FY 2025 budget request also seeks funds for EOIR's Digital Transformation Initiative, which, among other things, includes EOIR's partnership with the U.S. Digital Service.

Maintaining a Safe and Humane Correctional System

The Justice Department takes seriously its responsibility to administer safe and humane Federal detention and prison systems. The Department's FY 2025 budget requests $8.8 billion for the Bureau of Prisons (BOP) to ensure the health, safety, and wellbeing of correctional staff and incarcerated individuals and to ensure transparency, accountability, and effective oversight of all Federal prisons and detention centers.

The request includes funding to enable BOP to optimize its hiring efforts, including an increase of $41.0 million, for a total of $205.4 million in new hiring and retention incentives. The request also includes funding to enable BOP to address urgent infrastructure needs arising from an inherited backlog of an estimated $3 billion in facilities maintenance and repairs.

The Department is also requesting $409.5 million for BOP to fully implement the provisions of the First Step Act and increase programming to prepare individuals in Federal prison for successful reentry.

In addition, the Department's FY 2025 budget requests $2.1 billion for the USMS for Federal prisoner detention.

Promoting Good Government

The Department's FY 2025 budget request includes funding to promote good government efforts that ensure the responsible and efficient use of taxpayer dollars. The Department's FY 2025 budget requests an increase of $8.3 million for the Department's Inspector General, to promote integrity, efficiency, and accountability

within the Department; and an increase of $51.5 million for Justice Information Sharing Technology, to ensure continued progress toward the Department's strategic goals of enhancing its cybersecurity posture to better support agents, attorneys, analysts, and administrative staff in furtherance of our mission.

* * *

I am extremely proud of the work the Justice Department's employees have done to uphold the rule of law, to keep our country safe, and to protect civil rights. I respectfully ask for your support for the President's FY 2025 funding request so that we may continue and build upon that work.

Senator SHAHEEN. Thank you, General Garland. The Vice Chair of the Full Committee has arrived. Senator Collins, would you like to make any opening remarks before we start questions?

Senator COLLINS. Thank you very much, Madam Chair. I will wait and ask questions. Thank you.

Senator SHAHEEN. Okay. Thank you. We will call on Members in order of arrival, with the exception of Chair Murray and Vice Chair Collins, and ask that people keep their questioning to 5 minutes, except for the Chair and Vice Chair, and we will alternate between sides of the dais.

So Mr. Attorney General, we are now, as I said in my opening statement, painfully aware of the impacts of the Fiscal Responsibility Act and what that means. I cited the example of FBI, in terms of the percentage cut, but what that actually means in terms of dollars. What will happen at the Department, particularly to the law enforcement components if it faces similar cuts in 2025?

Attorney General GARLAND. Well, I obviously quite agree with you. Overall, as a consequence of fiscal year 2024 budget, we anticipate needing to reduce a total of 4,813 positions. And that is not specifically about law enforcement, but I will move to that in a moment.

The 2025 budget that we are requesting seeks to restore 1,409 positions. Specifically, with respect to law enforcement, between 2023 and 2024, we lost 200 positions in the FBI. Our request is an increase of 217 agents which is, as you can see, only 17 more agents than we had in fiscal year 2023. For the U.S. Marshals Service, we lost 72 Deputy U.S. Marshals' positions, we are asking now for an increase of 51, which includes what we need for purposes of the increased requirements for security for the justices.

The U.S. Attorneys, between fiscal year 2023 and fiscal year 2024, which of course bring our criminal prosecutions, we lost 188 positions for Assistant U.S. Attorneys, we are asking for 50 over fiscal year 2024, which of course does not make up that number.

I can go through the whole number if you would like—each if you would like, but you can see that we are—in most cases, we are not going to be able to make up, even, for what we lost between 2023 and 2024, but we are doing our best to be faithful to the Congressional Statute, and to the Bipartisan Agreement.

Senator SHAHEEN. Well, I appreciate that. As we know, the challenge is that there are very real impacts for these budget cuts, and they will have an effect on the public, and on our ability to address all of the issues that the Justice Department is working on.

Senator Moran and I both mentioned in our opening statements, as did you, the continuing fight against the opioid epidemic, substance misuse, the drug cartels. I continue to be very concerned

about fentanyl use and poisoning, and New Hampshire has lost too many people to fentanyl overdoses. Can you talk a little bit about DOJ's efforts to interdict these drugs and efforts to find a way to prosecute those responsible?

Attorney General GARLAND. Yes, Senator. I have said, and I deeply mean this, that fentanyl is the deadliest drug threat that this country has ever faced. I have met with families at the DEA whose children, whose teenagers, whose infants, whose grandparents have died. Mostly not even knowing that what they are taking is fentanyl, thinking it is another kind of prescription pill that they were able to get over the Internet. We don't even refer to this as overdoses anymore; we refer to this as drug poisoning, because that is what it is.

So we are facing this with the urgency it requires, and we are trying to dismantle the entire network. So the network begins in China. It begins with the precursor companies that sell the precursor chemicals that are necessary to make fentanyl through Mexico. So we have charged a number of those companies. We have indicted a number of their officials. We have even been able to snare some of them, the officials when traveling outside of China, the Treasury Department has sanctioned those companies so people cannot deal with them. Some of them are regular prescription drug companies, so sanctions are quite important.

Then we move to Mexico and the importation of these precursors. I have traveled to Mexico myself three times, the Deputy Attorney General, I believe at least three times, many other parts of our law enforcement apparatus have done the same, to persuade them to cut off access to these precursors, to register them, and they have done some of what we have asked. Not all, but that has been important. Then the chemicals are made into fentanyl in Mexico, primarily in laboratories. We have, again, on my visits, we have urged the Mexican government, and particularly the Mexican Military, the Army, and the Marines who are responsible, have taken over this task to destroy those labs. And they have done some, but not as much as we would like.

We have indicted the principal cartel leaders, including the sons of El Chapo, so-called "Chapitos" of the Sinaloa Cartel, as well as leaders of the Jalisco New Generation Cartel, those two are the principal drivers of fentanyl trafficking in the United States. On one of my travels, I urged the Mexican Government and the Attorney General to approve the extradition, and in fact, they did approve the extradition, of Ovidio Lopez Guzman—Guzman Lopez, who was a lead Chapito. Then——

Senator SHAHEEN. Mr. Attorney General, I know you could probably go on, which is very helpful.

Attorney General GARLAND. Oh. I am sorry.

Senator SHAHEEN. We would like to talk all day about what is being done to address this. I am out of time, but I also have one very brief follow-up, and that is, you mentioned going after the precursors in China.

Attorney General GARLAND. Yes.

Senator SHAHEEN. Are you seeing any difference at all since President Biden and Xi signed their agreement around dealing

with those drugs back last fall? Has there been any change in the way China is reacting?

Attorney General GARLAND. Yes. We have seen some, but nothing like what we want or expect. The President says, the words are nice, but we need to verify, and at this point, we don't have very much verification.

Senator SHAHEEN. Thank you. Senator Moran.

Senator MORAN. Chairman Shaheen, thank you.

Let me visit with you for a moment, Attorney General, about AI and our national security risk.

Attorney General GARLAND. Yes.

Senator MORAN. Both Congress and the Department of Justice are grappling with the opportunities and threats that are presented by the rapid development of artificial intelligence. Two months ago, the Department appointed its first Chief AI Officer. Yesterday, my colleagues and I, we were, in a letter, trying to bring the risk of AI to the attention of other colleagues of ours, we specifically are targeting the potential catastrophic risk associated with the use of AI and the development of biological, chemical, cyber, and nuclear weapons.

I am looking for assurance that the Department has, is and will pay sufficient attention to these extraordinary threats to our national security. And I would welcome your thoughts about what is happening with the—in the new AI Office, as well as other DOJ components with national security responsibilities? What is happening to consider and mitigate the national security risks and other catastrophic risks created by AI?

Attorney General GARLAND. Yes, so AI has both promise and incredible peril for us, and as is often the case in the beginning, offense beats defense here. And we are very concerned about the way AI can be used for everything from mimicking a normal conversations in text, and therefore advancing the ability to do fishing expeditions by getting passwords from people, by using their social media to appear as if they are a friend, and likewise, just plain hacking and constantly and repetitive hacking in a way that clicking on the keyboard will seem very 20th century.

So we are extremely concerned about that. AI has some possibilities also for defense. Instead of having to defend constantly with human actors, someday we hope to be able to develop an AI defense to the cyber attacks you are talking about. This does require us to enhance our AI capabilities, that is why I recruited the AI head that you are talking about. He is a Ph.D. in computer science, who teaches computer science at Princeton, got his Ph.D. at Stanford. We are looking to hire as many people with those kinds of qualifications as are possible.

And that is why we are asking for the money that we are asking for, specifically with respect to cyber, we are asking in this budget for $894.6 million, which is an 11.9 percent increase in our cybercrime combat, and a $432.9 million increase specifically with respect to cybersecurity, which is 15.6 percent increase.

Senator MORAN. Thank you for highlighting those. Let me turn to a different topic. Last week I was disturbed to see an NBC News report that an individual on the terrorist watch list had been detained by the Border Patrol on the southern border and then

promptly released. The facts of this case are complex. They are nuanced. But according to the report, when the detainee appeared before the immigration judge, the DHS attorneys did not inform the judge of the potential terrorist ties despite having received that warning from the FBI.

The judge ultimately ordered the detainee to be released. I don't expect you to be able to respond to the actions of the Department of Homeland Security, but again, I would look for assurances that through the FBI, the terrorist screening center, the immigration courts are taking the necessary steps to ensure suspected terrorists are not simply released into the country.

You talked about the increasing terrorist threat to our country. My last trip to the border, there were nationals, Chinese nationals who were apprehended in my presence. I see this as a significant threat, and I just want really to highlight this issue to the FBI and to the Department of Justice, making sure that you are doing your job.

Attorney General GARLAND. Yes. The FBI's job, and they take it extremely seriously, is when they learn information about somebody who has been able to pass through the border, to follow that person, to deter that person, to disrupt that person, and to arrest that person where we can. In the example you are talking about, that person has since been detained. And we are constantly in discussions with the Department of Homeland Security about how to improve the processes between Homeland Security and the immigration courts, and at the border, with respect to terrorist screening.

Senator MORAN. Thank you, General.

Senator SHAHEEN. Senator Heinrich.

Senator HEINRICH. Thank you, Chair.

Attorney General, as you know, Vice Chair Collins and I worked very hard on a number of provisions in the Bipartisan Safer Communities Act with respect to both straw purchasing of firearms, and then also gun trafficking offenses. Can you give us an update about how the Department is using those new offenses, and what progress you are making on that front?

Attorney General GARLAND. Yes. I would be happy to. So that act is really the most important gun legislation in decades, and has—already had significant impact on our ability to prevent guns from falling into the hands of people who are prohibited by Congress from obtaining them because of their dangerousness.

So as a consequence of the Act which extended the background checks for people under 21, we have been able to run 245,000 enhanced background checks, and we have denied 700 transactions which otherwise would have gone through, 700 people who should not have guns because Congress has so declared. And with respect to the straw purchasers' provisions, we have charged more than 420 defendants now with illegal straw purchases under provisions of BSCA and associated statutes we have on straw purchasing. So I would say it is early days, but it has been very effective.

Senator HEINRICH. Yes, we definitely want you to be able to use those authorities. What about the Gun Trafficking Authority, has that been helpful as well?

Attorney General GARLAND. Yes. The gun trafficking allows us a separate crime, a separate penalty for trafficking guns, where it is known that the guns are going to be used in crime. And those have also led to successful prosecutions.

Senator HEINRICH. I want to turn to fentanyl, and obviously that is something that is on everyone's mind on this panel. One of the things that I worked very hard on in the recent 2024 CJS Bill is language to create a comprehensive fentanyl tracking system. Can you tell us what you intend to do? I know we got that legislation done a little late, as Senator Moran reminded us, but we want you to be able to use those authorities, and tell us about how you plan to put that together?

Attorney General GARLAND. Well, so DEA will be using that to track the way in which fentanyl is prescribed and used, and that will be very important in our enforcement efforts.

Senator HEINRICH. Are you able to coordinate your efforts with DHS to help interdict fentanyl when it comes through land ports of entry before it gets to the U.S.?

Attorney General GARLAND. So the FBI and DEA do have overseas intelligence which they are able to provide to DHS, I will say this also comes from our intelligence community writ large and not simply the two agencies here. It is definitely the case that the more intelligence we can get and the more cooperation we can get from the Mexicans as to their information about fentanyl being moved to the border, the better DHS will be able to interdict it at the border.

Senator HEINRICH. How can Congress help you leverage better cooperation from both Mexico and China on this front?

Attorney General GARLAND. Well, I am not a diplomat, so on that phase I am not sure what Congress can do in this regard, but we are making every effort possible. The DEA administrator has spoken to her counterpart in China; the President, as you know, tried to re-up the cooperation that had been suspended with respect to drug trafficking. So at a law enforcement level, we are trying to enhance that.

On the Mexico side, as I said, the President has directed members of the National Security Council staff to travel to Mexico. I have traveled, the Deputy Attorney General has traveled, to try to enhance cooperation and get improvement in that.

Senator HEINRICH. We very much appreciate those efforts. I want to ask you about something related to treatment for folks who know they have addiction to Fentanyl and other opioids. Can you talk about what DOJ and DEA are doing to increase access to treatments like buprenorphine for patients in need? And this has been a particular challenge in New Mexico, where people want to get treatment but they can't always get their prescription filled to get off of their fentanyl addiction. And I am curious if you think it is necessary to remove medications like buprenorphine from the suspicious order reporting systems, because that seems to be the thing that is hanging up these prescriptions for people who are very much wanting to get treatment.

Attorney General GARLAND. Well, to begin, this mostly comes from our grant programs, from the Office of Justice programs. We have the so-called "CARA" Grants, which is the Comprehensive Ad-

diction and Recovery Act. We are asking in this budget for $443 million, which is a $23 million increase. Those grants include our comprehensive opioid stimulant and substance abuse program, the so-called "CASA" Program, mental health and residential substance use treatment, the drug courts, the veteran treatments courts, prescription drug monitoring.

We also have particularly youth-focused grants, we are seeking $47 million there for opioid affected youth. I am not exactly sure that I have the information with respect to buprenorphine and how it is being treated in that respect, so I will have to get back to you on whether——

Senator HEINRICH. Yes. I look forward to following up with you on that, because I think we need to send a clear message to the pharmacies that they should stock the medications necessary for treatment. Thank you, Chair.

Senator SHAHEEN. Thank you, Senator Heinrich.

Senator Collins.

Senator COLLINS. Thank you, Madam Chair. Welcome, Mr. Attorney General. I very much appreciated hearing the update on the effectiveness of the straw purchasing and gun trafficking provisions that Senator Heinrich and I authored, and so I won't have to ask you about that issue. I do want to turn to a very serious and confounding problem that the State of Maine is experiencing, particularly in our rural communities. Chinese nationals are establishing and operating illegal marijuana growing operations.

I first raised concerns about this problem in June of 2022. Thanks to the work of some enterprising Maine journalists, we now know that there are more than 200 such operations operating in houses across our State. And by the way, those houses are forever ruined by the operations, and that contributes to our housing shortage as well.

Last month, I asked the FBI director about this matter during his open testimony before the Senate Intelligence Committee. While the director has cited the FBI's efforts to support taskforce and secure indictments, he was unable to answer a fundamental troubling question, and that is: Why is China sending its citizens, sneaking them into the country, to open illegal marijuana operations in rural Maine communities?

Just recently, three Chinese nationals were apprehended as they crossed the border illegally in Northern Maine. Now, we have had a tremendous effort by State, county, and local law enforcement to identify and start shutting down these illegal operations, but there are very clear Federal interests here, particularly with respect to national security.

Two days ago, your Office of Legislative Affairs finally responded to four inquiries that I had sent to the Department on this topic. But unfortunately the response letter provided almost no substantive information on whether the Department is making this a priority, working with State, local, and county law enforcement, and exploring the National Security implications.

And I do recognize there is a limit to what you can say in a letter of that sort. But General Garland, what are the Criminal Division, the National Security Division, and the U.S. Attorney's Office in Maine doing to address these illegal growing operations? And, in

particular, what are they doing to support the tremendous, but under-resourced effort, at the State, county, and local level?

Attorney General GARLAND. Senator, you have raised a serious problem. It is not only a Maine problem. So DEA is reporting that there are transnational criminal organizations in some 20 States that not so much grow houses, but illegal marijuana grows. I know specifically with respect to Maine, that DEA and the FBI are working with the IRS, and the Department of Homeland Security, as well as local law enforcement, to investigate those illegal grows.

I also know that the U.S. Attorney in Maine has made this a priority for her office. In most cases, I recommend talking to the Office Of Legislative Affairs, but I know you are very well synced up with the U.S. Attorney's Office there, and they obviously have more very specific Maine information. But I don't think anybody could take this more seriously than our U.S. Attorney there, and she is able to harness the resources of all of our agencies. Not only our own, but also Department of Homeland Security and IRS.

Senator COLLINS. Do you have a theory on why the Chinese are sending people, illegally, into our country to establish these grow operations? As you point out, it is not just Maine, I believe Oklahoma, for example, has had a problem as well.

Attorney General GARLAND. I don't have a theory now. Normally, I develop a theory by learning the facts from the different investigative entities that look into this. So, at this point, I don't have a theory. There are a lot of obvious theories including profit motive, and these transnational criminal organizations are operating - reason we call them transnational is they are operating all over the world to make money where they can. But I can't tell you what the specific motivation here is.

Senator COLLINS. Thank you.

Senator SHAHEEN. Thank you, Senator Collins.

Chair Murray.

Senator MURRAY. Well, thank you very much, Chair Shaheen, and Ranking Member Moran, for holding this hearing today. Thank you, Attorney General Garland, for joining us.

We all want to make sure that folks back home have a fair, functioning justice system, and safe communities, which is why we have to make sure DOJ is getting the funding that it needs. Effective law enforcement is crucial to protect people from cyber attacks, drug trafficking, gun violence, and so much more. And it is critical in holding big corporations accountable for cutting corners and engaging in unfair practices that hurt our consumers.

And DOJ's work is vital to fighting bigotry and discrimination and protecting people's civil rights, including the right to vote. So we cannot short-change America's rights or their safety. That is why this hearing is so important.

Attorney General Garland, I am really encouraged by the investments your Department has made in Eastern Washington, like marshaling new resources and investing in personnel to help combat the crisis of missing or murdered indigenous people, especially women and girls. DOJ recently launched an MMIP Regional Outreach program, which allowed our U.S. attorneys for Eastern Washington to add an assistant U.S. attorney to their office who is dedicated to prosecuting those types of cases in the Northwest.

How would the resources that your Department is now requesting for fiscal year 2025 build on those efforts?

Attorney General GARLAND. Yes. This problem of missing or murdered indigenous persons is really brought home to me. I visited the Alaska Native villages with Senator Murkowski, and I recently visited the Crow Reservation in Montana. But this is a problem all across Indian Country, and we take it very seriously. And in our budget request we have asked for $713.2 million for this program for public safety in Indian Country to include money that we need for FBI, for U.S. Attorneys, and for money for the local law enforcement.

Senator MURRAY. Thank you, I appreciate that request, we look forward to working with you on that. The Crime Victims Fund through VOCA accounts for nearly 70 percent of all the funding for services that help victims in survivors of crime in Washington State, and in Tribal and rural communities, those programs rely solely on VOCA funding.

But we know that deposits into the funds have declined recently and have not kept pace with the need, which has led to cut to service providers in Washington State, meaning less help for victims and survivors, especially in our underserved communities in rural areas and on Tribal lands. Can you talk a little bit about the importance of those programs and the Crime Victims Fund as part of the Department's effort to promote public safety and support victims of crime?

Attorney General GARLAND. Absolutely. This is an issue that is particularly dear to my heart since in the aftermath of Oklahoma City I spent a lot of time trying to improve the way in which the Justice Department both itself deals with victims of horrendous crime, but also helping State and local law enforcement, and communities, to deal with these problems.

So our money for OVW grants this year, we are asking for $800 million for the Office on Violence against Women. The total amount we are asking from the Crime Victims Fund is $1.5 billion total, which is an increase of $147 million over enacted fiscal year 2024. The victim's money goes to a significant number of different places, it goes to the grants to combat violence against women, the so-called STOP Grants, the Sexual Assault Services Grants, legal assistance programs for victims, transitional housing, the access to sexual assault nurse exams, culturally specific services. I can talk more about the Fund if you want, but those—that is the——

Senator MURRAY. I think that is just important for all of us to understand the really critical importance of those funds as we work to put our budget together. So thank you. I wanted to ask you about the Federal Bureau of Prisons Facility at Sea-Tac. We had recent reporting from The Seattle Times that found that detainees were routinely unable to access basic medical care and treatment for acute and painful conditions.

According to their reporting, 8 of 19 health care positions at the Sea-Tac facility are now vacant. That no doubt contributes to those issues. What is the Department doing to improve access to care for individuals in their custody? And what steps is the Department taking to recruit additional health care staff?

Attorney General GARLAND. So the Director, Director Peters, has stated from the very beginning that BOP considers itself a health care organization, given how many people need health care who are in prison. The Sea-Tac Federal Detention Center has strengthened its recruiting efforts and has contracted for several more medical professionals recently. In the last 6 months, it has tripled the size of its Opioid Treatment Program, and provided more routine and chronic care. I think that the Director has gotten the message with respect to the deficiencies there.

Senator MURRAY. Okay. And I am going to be following that very closely. So I expect to be updated on that as we go. And finally, let me just ask you about help for at-risk youth. I continue to hear from communities all over my State about the need to do more to help at-risk youth avoid delinquency and provide better opportunities for them. It is really important that the Department's Juvenile Justice Program serve the youth that end up in this system, and allow those kids to realize their full potential.

This is an effort that we all know requires coordination across nonprofits, and State, and local leaders, and the Federal Government. So can you tell me how your budget request would support justice-involved youth?

Attorney General GARLAND. Yes. So specifically on that question, we are seeking $407 million for juvenile justice initiatives, which is an 8.5 percent increase. This includes $3 million for a new collaborative reform for Juvenile Justice Initiative for localities that are facing particularly serious juvenile issues.

Senator SHAHEEN. General Garland, excuse me for interrupting. Can you just pull the mic a little closer so that people can hear better?

Attorney General GARLAND. Yes. I am sorry, yes. The total budget we are requesting is $690.8 million to protect children and a variety of programs: Office of Justice Programs grants, the Office of Justice Program Stop School Violence grants, and the other matters that I have already mentioned.

Senator MURRAY. Okay, this is a critical program, and we will continue to be looking at that. So thank you.

Thank you, Madam Chair. I appreciate it.

Senator SHAHEEN. Thank you so much, Chair Murray for joining us.

And Senator Kennedy.

Senator KENNEDY. Thank you, Madam Chair.

General, nice to see you again, thank you for being here. Your current budget, by my calculations, is $48.3 billion; is that right?

Attorney General GARLAND. The budget request is for $37.8 billion for the fiscal year 2025 budget, and that would constitute a 3.5 percent increase over the——

Senator KENNEDY. But with mandatory spending, your budget is $48.3; is that right?

Attorney General GARLAND. I don't have the number for including mandatory, but I will certainly be able to get back to you for that.

Senator KENNEDY. Well, let us take out mandatory,

Attorney General GARLAND. Yes.

Senator KENNEDY. Your discretionary budget right now is $37.8 billion.

Attorney General GARLAND. The fiscal year 2025 request is for $37.8.

Senator KENNEDY. It is not what I am asking.

Attorney General GARLAND. I am sorry.

Senator KENNEDY. What is your current budget?

Attorney General GARLAND. Well, it is 3.5 percent less than that, so I can take out my calculator and do the math, but I don't have it in front of me.

Senator KENNEDY. All right, well let me put it another way, you are asking for an extra $467 million; is that right?

Attorney General GARLAND. The increased amount of money that we are asking for, that is approximately right, yes.

Senator KENNEDY. Okay. To your knowledge, in the past, let us say 40 years, has the Department of Justice ever come before Congress and said we don't need any more, we are going to make it with what we have got, in light of the fiscal circumstances in the country?

Attorney General GARLAND. Normally, I wouldn't want to speculate, but in this case, I can't imagine that the Department of Justice, facing increasing threats every year: violent crime, threats on national security, drug trafficking threats, would——

Senator KENNEDY. Is that a no?

Attorney General GARLAND. I don't know the answer, but I think it would be surprising if the Department ever asked for less money. I think that would be not responsible.

Senator KENNEDY. Okay. You talked a little bit in your testimony, General, about guns, and you have been very outspoken about the need for more gun control. With respect, and if you don't mind me asking, do you own a gun?

Attorney General GARLAND. I don't.

Senator KENNEDY. Okay. Have you ever fired a gun?

Attorney General GARLAND. Many times.

Senator KENNEDY. Okay. Do you have 24-hour security?

Attorney General GARLAND. I do.

Senator KENNEDY. Okay. Let me ask you about fentanyl, because that is a huge problem, and I know you are worried about it, as are we. And we have, of course, got a problem with the precursor chemicals coming into Mexico, to the Mexican cartels, who manufacture the fentanyl and send it into the United States. Isn't a big part of the problem that if you took the Mexican drug cartels and turned them upside down and shook them that President Lopez Obrador would fall out of their pockets?

Attorney General GARLAND. Well, I will leave the metaphor aside. The Department has said that we do not have an investigation of the President of Mexico.

Senator KENNEDY. Do you think the President of Mexico is our friend?

Attorney General GARLAND. We need cooperation from Mexico. Mexico has been somewhat cooperative with respect to our fight against the cartels. Not as helpful as I wish they were, but without their cooperation, we can't be successful in destroying the cartels.

Senator KENNEDY. Why wouldn't—why wouldn't the President go to President Lopez Obrador and say, no offense, but the fentanyl problem is killing Americans, the illegal immigration problem is hurting Americans. If you don't cooperate with us, and he clearly hasn't been, and he is not afraid of us, we are going to implement tariffs on Mexico until you do.

Attorney General GARLAND. I think there are many ways to encourage cooperation from another country——

Senator KENNEDY. But that would do it; wouldn't it?

Attorney General GARLAND. I don't know whether that would do it, or whether that——

Senator KENNEDY. You don't think that would get his attention?

Attorney General GARLAND. I am not a diplomat, I am not a foreign affairs strategist, I know we need their support and cooperation. I don't know whether that would be positive or negative.

Senator KENNEDY. So we just ask politely?

Attorney General GARLAND. Well, we do more than that, considerably more than that. I don't know the answer to your high level strategy question——

Senator KENNEDY. Let me ask you one last question in my 14 seconds. I have been dying to ask you this question.

Attorney General GARLAND. How long have you been dying to ask me this question?

Senator KENNEDY. A long time, a long time. Mr. Hunter Biden did not pay taxes on $1 million in 2014 and 2015, and he deducted payments from his income tax for personal expenses when he did file, for hookers, for a Lamborghini, for strip clubs, for sex clubs, for porn website memberships. Why did the Department of Justice let the Statute of Limitations run?

Attorney General GARLAND. As you well know, Senator——

Senator KENNEDY. So you can't prosecute?

Attorney General GARLAND. As you well know, Senator, that investigation is being conducted by Mr. Weiss, who was appointed by President Trump to be the U.S. Attorney in Delaware. Much of the investigation you are talking about occurred during the previous administration, under Mr. Weiss. Mr. Weiss has continued his investigations. He is now a special counsel, he will issue a report which will explain those——

Senator KENNEDY. Are you saying it is Trump's fault?

Attorney General Garland [continuing]: Which will explain—no, I don't know whether there is fault or not. Mr. Weiss will explain this in his report.

Senator KENNEDY. But we can't—Mr. Hunter Biden walks free on not paying taxes on a million bucks from 2014 and 2015 because the Department of Justice let it happen, right?

Attorney General GARLAND. And again, I am not going to comment on decisions made in a pending investigation. In the end, Mr. Weiss will issue a report. I will provide the report to Congress, you will be able to question Mr. Weiss as to his reasoning, and he will be able to defend his reasoning.

Senator KENNEDY. Would you come with Mr. Weiss when he does that?

Attorney General GARLAND. I am not going to know the intricacies of Mr. Weiss' investigation. There would be no point. It is Mr. Weiss who is responsible for this investigation.

Senator KENNEDY. But you were head of the Department of Justice?

Attorney General GARLAND. Yes, and I have appointed him as special counsel so that he can independently investigate this matter.

Senator KENNEDY. Okay——

Senator SHAHEEN. Thank you very much, Senator Kennedy.Senator Manchin.

Senator MANCHIN. Thank you, Madam Chair. And thank you, Judge, for being here. I appreciate your service in so many capacities, very much so. Let me go into a couple things. This week the Senate is going to take up a two-year extension of FISA, okay, Section 702. Some groups have raised concern that House-passed FISA that was reauthorized would expand the scope, the scope of who could be targeted under Section 702 by changing the definition of electronic communication service providers. I, for one, do not have those concerns because we have, basically, expanded upon how we communicate, different ways, and we should be looking at everything to protect our country. Do you have concerns, or has it been brought to your attention?

Attorney General GARLAND. Yes, so I know this particular issue. Let me first state, as I know you know, 702 is essential to our ability to protect the country in many ways, but particularly since the Hamas terrorism attacks on October 7, from foreign terrorism in the United States. The change that you are particularly talking about is a technical change. It is a consequence of Internet technology changing in the 15 years since FISA and 702 was passed. It is narrowly tailored. It is actually a response to the suggestion from the FISA court to make—to seek this kind of legislative fix. It does not in any way change who can be a target of Section 702, and——

Senator MANCHIN. Just the way we gather—what different mechanisms we gather information from, I guess, right?

Attorney General GARLAND. It can only be—but the target can only be a foreign person, located overseas where there is a reasonable expectation of getting foreign intelligence——

Senator MANCHIN. So it is not of a concern that you have, basically from that?

Attorney General GARLAND. I don't have any concern with this technical fix.

Senator MANCHIN. I don't either. I just want to make sure you help me confirm that.

Attorney General GARLAND. I appreciate it.

Senator MANCHIN. But I would like to—I am going to go through a few things that people ask me most.

Attorney General GARLAND. Of course.

Senator MANCHIN. The concern of the border is the greatest threat that we face right now. It has been more detrimental to our security, I believe, than anything in modern history that I have seen. First of all, we haven't taken action on Mexico, it seems like we haven't used what tools we have, they are a member of the

USMCA, you know, the new, the new NAFTA, if you will, and they haven't been a good partner, let us put it that way. And there has been more people in my State, its number one killer is opiates, illicit drugs coming into. We were targeted and it just devastated our State.

Is there anything that can be done, and them being in violation of USMCA, which could threaten their—which we would have the ability to threaten their participation, or as a member of USMCA? That would, to me, to be the greatest concern they should have for their economics in their country, and I would think they would respond, nothing else seems to have worked, and we haven't had the response, basically shutting down fentanyl, we haven't been able to shut down the precursors from China, and that has killed more people in America since the Civil War, is opiates and illicit drugs coming into our country, than all the wars combined. It is unbelievable.

Attorney General GARLAND. So there is no worse threat this country has faced with respect to drugs, than fentanyl. As I said somewhat earlier——

Senator MANCHIN. And do we have the powers to use USMCA?

Attorney General GARLAND. This is an interesting tactic, I have not thought about. This is something I might ask my staff to talk on and——

Senator MANCHIN. Could we work on—could we work with work with you on this.

Attorney General GARLAND. Ambassador Tai——

Senator MANCHIN [continuing]. It would be very helpful if we could. There has to be something to shock them into realization, that they have to be either a good neighbor, to be part of the USMCA, or basically let us declare them not to be a good neighbor or deserve the standing they get, because there is an awful lot of illicit stuff comes through that border, and also a lot of dumping comes into the border that harms our economy. I would love to expand that with you.

And my final question is concerning the border, sir. I get more questions on that. Does the President have the ability as an executive order, to basically declare an emergency there and shut it down? And I know that there is a ruling from Hawaii which is the U.S. v. Hawaii Supreme Court ruled that he has the broad authority, the President, to suspend the admission of migrants.

I am having a hard time. I have been encouraging them every way I possibly can to use the rules—tools that you have, and your executive powers to shut this illegal until we get a handle on it, because we are not going to come to an agreement politically here, unless we are forced to do it.

Attorney General GARLAND. So I would say the best solution to this problem is the bipartisan proposal with respect to the border that had been worked out, both as a combination of changes, and who can be removed and who can come into the country, as well as the money necessary for the Department of Homeland Security to put in x-ray machines that would be able to stop——

Senator MANCHIN. Let me put it a different way. The President has had no problem whatsoever, declaring an executive order to, basically, to relieve or remove student debt, and that has been

challenged, and it has been upheld that he cannot do it in court, but he does it anyway. I am fine with whatever he thinks he has the right to do. I don't know how this is any different to stop illegal and think they are going to take us to court, and it might be overturned, but at least it sends the message that we are serious about the border, is that——

Attorney General GARLAND. I know, as has been reported, that the White House is considering a number of options with respect to immigration. I don't want to get into our deliberations as to the President, and I don't want to, you know, make a determination about legality before we have in front of us a particular proposal.

Senator MANCHIN. Well, I know my time is up. I would love to go further into our USMCA with Mexico. I think there is something we have to do to shock them into realization. You are either going to be a good partner, or you are not going to be a partner at all.

Attorney General GARLAND. Well, I will ask my staff to talk to yours, and also to bring in Ambassador Tai's staff because she seems like——

Senator MANCHIN. Please.

Attorney General Garland [continuing]: This is within her bailiwick.

Senator MANCHIN. I appreciate it very much, sir. Thank you.

Senator SHAHEEN. Thank you, Senator Manchin.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Madam Chair.

Mr. Attorney General, welcome, good to see you again. Thank you for the trip last summer where you had an opportunity to kind of get a little summary on the ground of some of the law enforcement public safety issues that we face, primarily in rural Alaska. I appreciated that that Chair Murray had highlighted murdered missing indigenous persons. The work that your teams are doing, working with us in Alaska is very, very important. Also appreciate the keen focus here in this Committee and the Subcommittee on fentanyl.

I wish that I could say we are far enough away that we have escaped, but our smallest of the small rural villages are being targeted because you can sell this poison there for 10 times more in a village like Quinhagak, or Togiak than you can in even Anchorage. So we all need to keep leaning in on that.

Back to the issue of Tribal justice, when you were there, we had good conversations. I think that was very important. We have seen some measurable progress on cross-deputization agreements between the State of Alaska and Tribes relating to law enforcement. We have got the Not Invisible Commission report recommendations that are giving us a little bit of a template here, but I am a little concerned in terms of the follow-on from your visits in so far as what more we can do to address the public safety issues.

We have asked for some updates, we haven't gotten a lot, and I don't want to be in a situation where these villages, whether it is Galena, or Huslia, or really any place, feel that you came, you saw, and then there hasn't been the follow-on. We have got a lot of work I think we know that we need to do to implement VAWA 2022 and the Alaska Public Safety pilot.

So I would ask that you and your team can provide us with recommendations for improving the funding opportunities for our Alaskan Native community in the short term here. If we can do this within the next 30 days, that would be great, if you have legislative proposals, but we want to keep the momentum going. I know that you committed to me, your teams are working on that, but if there are legislative proposals, again, we want to try to put some of these in the pipeline.

Attorney General GARLAND. We are very happy to do that. I will say that it was a real eye-opening experience for me, as you told me it would be, to be on the ground there and to see the difficulty of transportation between one village and another, and the difficulty law enforcement has of reaching a village, and the really inexcusable fact that there really isn't sufficient law enforcement in any of the villages.

I can give just one update. I would say as a result of my visit, I have been pressing for money for special Tribal jurisdiction and this budget request includes a plus $14 million from fiscal year 2024 for special Tribal criminal jurisdiction and I would say it is a consequence of what I saw in Alaska.

Senator MURKOWSKI. Well, let us commit to working through some of these specifics going forward. One of the other things that I have heard is as our Tribes are looking for Federal financial assistance, not only in the public safety space but in others, they have been directed to entities for technical assistance, but it is technical assistance that is from the lower 48, perhaps maybe not culturally responsive or geographically relevant to many of the issues that we experience there.

So you know I appreciate what the Department is doing to try to help bolster the capacity of Tribes and Tribal organizations, as they are looking to gain access to some of these grant opportunities. But it is something that I would like your folks to look at, because this is—this again is a big challenge, if you are talking to somebody who has no idea that we don't have, for instance, reservations in Alaska and the construct of the governance just makes it that much more challenging. So I raise that to you.

I want to comment, very quickly, on what Chair Murray had raised about the Crime Victims Fund. You outlined the benefits of it. But I will tell you I am very, very concerned that we are going to be in a situation where if additional fines, fees, penalties from other sources aren't redirected to address the shortfalls, so many of these organizations that just are working so hard, they are burning out, they can't deal with this year-to-year challenge because they simply don't have the resources.

And it is not only in the Crime Victims Fund, it is the impact that we are seeing with our child advocacy centers. Many of our CACs have been using additional funding for their base operational costs, in addition to VOCA cuts. So you have got VOCA funds that are being cut, you have got the CACs that are hanging out there. It is just—it is really a tenuous situation. I know you know that, but we really need to have identified some kind of an offset for this $7.3 billion that is proposed to replenish the Crime Victims Fund——

Attorney General GARLAND. And there is a proposal. If I have time to respond now, I will—I totally agree with you. This trying to depend on the amount of money we are able to get in any particular year is always going to be uncertain. The administration's proposal in the budget, I don't think there is legislative text yet, would take effect in 2026, provide $7.3 billion in mandatory appropriations over 5 years to replenish and stabilize the fund. I think that is better than the way we are doing it now, year-to-year, and so our staff would be happy to speak with the staff of the subcommittee and your own staff as well on this proposal.

Senator MURKOWSKI. Thank you. Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Murkowski.

I understand, General Garland, that you are okay to keep going.

Attorney General GARLAND. Sure.

Senator SHAHEEN. You don't need a break. So let me ask Senator Peters to go next.

Senator PETERS. Well, thank you, Madam Chair.

Attorney General Garland, thank you for continuing to plow through, and certainly it is good to see you here today with us. Following the October 7 attacks, and the conflict between Israel and Hamas, and as that continues, we are seeing significant increase in anti-Semitism, anti-Muslim, and anti-Arab hate. And I certainly worry a great deal, as I know you do, about the increase in hate against these communities all across the United States, including schools. We are seeing it on college campuses.

I have heard from Muslim and Jewish constituents who are worried for the safety for their families and their houses of worship. According to recent reports, the rates of anti-Semitism and anti-Muslim hate have hit historic highs in our country. And Attorney General Garland, I know you have said repeatedly that the Justice Department has absolutely no tolerance for violence or unlawful threats of violence fueled by anti-Semitism or Islamophobia, and that no person and no community in this country should have to live in fear of hate-related violence.

So my question for you is, given this profoundly concerning trend, can you speak to how the Department utilizes your existing resources, whether via Civil Rights Division, or elsewhere, to support these communities that are being impacted? And in what ways does the Department need additional support to respond given the large increase of this type of violence around the country?

Attorney General GARLAND. Yes. I couldn't have said it better than you did with respect to the level of our concern since the Hamas attacks on October 7, spiking hate crimes of both against with respect to Islamophobia and with respect to anti-Semitism, have just gone through the roof. We have brought quite a number of prosecutions even during that time since October 7, and we treat this in the most serious way. We have to disrupt and deter such acts. The only way, in the end to do that, is to get heavy sentences.

With respect to our work in this, this is a combination of the work from our Civil Rights Division side and from our, where it becomes domestic violent extremism, to our national security side. We have asked for $201.3 million, which is a 10.8 percent increase for the Civil Rights Division, 14 attorneys, much of that to cover hate crime investigations, which are spiking.

The FBI Civil Rights Section has asked for $114.5 million, which is an increase in 30 percent for that purpose. In the U.S. Attorneys' Offices, we have asked for $55.8 million, an increase of 12.2 percent for the Civil Rights Coordinators to work on these kinds of matters. An important but little known part of the Department is our Community Relations Service, which tries to mediate conflicts so that they don't get to the stage that we are talking about here. And for them, we are asking for $29.1 million, which is a 21.2 percent increase.

That is on the civil rights side. We have another whole set of requests on the national security side where this moves from hate crimes to what we would regard as domestic terrorism.

Senator PETERS. All right. Well, good, and it is important to keep that focus, and I appreciate your focus on that in your request. In 2018, I led the successful bipartisan effort to authorize a new grant program that is entitled the Emergency and Transitional Pet Shelter and Housing Assistance Grant Program. This program was set up as a pass-through with funds initially going to the USDA, but the grants are administered by the Department of Justice, and it provides emergency and transition shelter options for domestic violence survivors with companion animals.

And this is actually very critical given that studies have shown that victims of abuse are less likely to leave a very abusive situation if they have a beloved pet. Abusers often target that pet. And in fact, a number of studies have shown that on average, a person who is being abused, a survivor, will delay leaving a relationship for up to 2 years, 2 years being in that, because clearly they care about this pet who is going to be the a target of further abuse.

So this vital program helps the Federal Government ensure that more domestic violence shelters can accommodate victims with pets, or they arrange a third party to make sure that the victim knows that that pet will be secure. And in the years since its launch, we have seen demand far outstretch the available funding. And in fiscal year 2024, I secured authorized funding of $3 million for the program.

So my question for you, Attorney General Garland, do you agree that it is essential that we continue funding a grant program authorized by my PAWS Act, and help empower victims of domestic violence with the tools they need to escape the violent situations that they are in?

Attorney General GARLAND. We have to protect the victims of domestic violence, and thanks to the PAWS Act over the last 3 years our Office of Victims of Crime has made 31 awards, totaling $8.8 million for the nonprofit entities that support domestic violence survivors and their pets as they navigate into transitional housing.

Senator PETERS. Great. Well, I appreciate your support of the program and your statement on the necessity of doing this to help our survivors. Thank you.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Peters.

Senator Moran.

Senator MORAN. Chair, thank you again,

General, let me raise three things in pretty—I hope, short order. We have talked, I think since the beginning of my time at CJS and

your arrival as Attorney General, about my desire to focus law enforcement grants. There lots of opportunities for local law enforcement to compete for grants to support local law enforcement, but we have highlighted numerous times, to you and to your predecessor, about the challenges that small law enforcement agencies and small communities have.

They don't have a grant writer. It takes a police officer off the street, or a sheriff's officer off the roadway to apply for grants, and we have encouraged the Department to create a separate grant program specifically for small communities. I just would like to ask you if you,—I doubt that you have with you, but would you see if there is any statistics that indicate how we are faring in getting small law enforcement agencies across the country additional resources as compared to others or compared to the past?

Attorney General GARLAND. Yes, I will be happy to go back and ask how those statistics compare. The problem you pointed out has been pointed out to me by local sheriffs, by local police departments in small rural areas. It is a problem because they, you know, they don't have grant writers, they don't have the—they may not even know about the availability. So we have, our Office of Justice Programs and our COPS Office have gone to great lengths to try to simplify the applications, to reach out to rural law enforcement about the possibility of getting grants and of helping and assisting in the applications. But I don't know the statistics, and I will get back to you.

Senator MORAN. We would like to see if it is working. I had suggested, and I don't know whether the suggestion—this predates you at the Department—but that there be created a separate grant application and program for those small agencies. Let me also highlight anti-Semitism and hate crimes, and you have focused your attention on this issue, and I appreciate that. But according to data tabulated by the Anti-Defamation League, there were 5,204 incidents between October 7 and the end of 2023. That is a number that is greater than the entire total of those instances in 2022.

I commend you for your recognition of this issue and efforts, and is there things that you would point to, specific proposals in the Department's budget request that would be evidence of attention to anti-Semitism and hate crimes?

Attorney General GARLAND. Well, you are absolutely right about that. I spoke at the Anti-Defamation League Conference earlier this year, and recited the statistics that the FBI has, which are very much consistent with the statistics that ADL itself is reporting. The parts of our budget that are relevant here, and are most important, are the increases for the Civil Rights Division, which has particular jurisdiction over hate crime prosecutions.

The FBI's Civil Rights Section, which supports those prosecutions, and our National Security Division and U.S. Attorneys' Offices that bring these cases—the U.S. Attorneys' Offices bring the hate crime cases, but then also bring along, with the National Security Division, where hate crimes progress even further across the board into domestic terrorism.

Senator MORAN. Finally, General, I would mention an occurrence in Kansas, the United States Penitentiary in Leavenworth went into lockdown and then modified its operations beginning March

the 1st, now more than a month ago, there are security situations in the BOP facility. I know that can require certain actions to protect the safety of inmates, as well as the staff, but these status changes are inherently disruptive. And of course, we need to remember that inmates are entitled to civil rights, and that the BOP staff are entitled to a functioning environment.

My understanding is this issue with this circumstance is close to being resolved, if it hasn't already been today, but I wanted to make sure it was a priority for you and the Department.

Attorney General GARLAND. As I am not specifically familiar with the situation at Leavenworth, but I will ask my staff to get back to yours today.

Senator MORAN. Thank you. I just really wanted to bring it to your attention. Thank you.

Senator SHAHEEN. Thank you, Senator Moran.

Senator Reed.

Senator REED. Welcome, Attorney General. Last summer, the Senate Banking Committee passed the Safer Banking Act. It is bipartisan legislation designed to help State-approved marijuana businesses to access banking services. Section 10 of the original Senate legislation would have compromised law enforcement and National Security by requiring banks to notify customers when the government requested termination of an account. In essence, the original language meant that serious criminals could be tipped off that they are under investigation.

That includes fentanyl distributors, gun runners, mob bosses, et cetera. Fortunately, through a bipartisan committee process, we worked to address major flaws in Section 10 and curbed its negative effects. Do you agree that such a policy would handcuff law enforcement and the intelligence community if they had to—the bank had to disclose that their account has been terminated by law enforcement?

Attorney General GARLAND. I have to say I am not familiar with the provisions of—I know what the Act is and the proposal, I am not familiar with the requirements in general. As a theoretical matter, without commenting on that, obviously if we are investigating someone, and that person is advised of our investigation, that makes our investigation, all the more difficult and may compromise it, but I can't answer specifically with respect to the statute.

Senator REED. Let me prepare a letter, and send it to your office so that you and your staff can review it and then respond. I know when you come up here it is sort of a range of issues from the—all the way across the board, so I completely understand that. A quick other question and again, and this might not—I think you would be familiar with this. The reauthorization of FISA, there was a great debate in the House about a warrant requirement. Would you support a warrant requirement for U.S. persons—in 702?

Attorney General GARLAND. So 702 is absolutely essential to our ability to protect the country from everything from Nation States to foreign terrorist-inspired attacks in the United States. I don't support a warrant requirement. We are not—we are talking about information that has already been lawfully collected pursuant to a court order, because the target is a foreign individual, operating

abroad where foreign intelligence information is likely. And courts have never required us to search lawfully collected holdings with a warrant.

So I don't think it is constitutionally required. We have—I am concerned about errors in the query system that occurred, and when I first came in these were reported to me and I directed the Deputy Attorney General and the FBI Director to put quite a number of fixes in to prevent that problem, and the consequences been a mass—a really large decrease in the number of queries that are made, in excess of 90 percent, and a compliance rate in the area of 98 percent.

The problem with a warrant is a warrant requires probable cause of something, and we don't have probable cause at the stage of the query. A query is intended to find out what is in our holdings so we can determine whether we have probable cause. If you impose a warrant requirement with the probable cause requirement, it effectively makes queries impossible to go forward. So it would just eliminate our ability to use 702 to find out what information we have with respect to foreign terrorism, with respect to cyber attacks, or with respect to foreign intelligence collection by our adversaries.

Senator REED. Mr. Secretary as you—excuse me—Attorney General, as you understand there is an immediate requirement to renew FISA because it lapses.

Attorney General GARLAND. Yes.

Senator REED. Are you comfortable with the House version of the legislation?

Attorney General GARLAND. Not knowing exactly what the House version is, I am comfortable with, with the provisions that provide for the fixes that we have administratively put into place, and that do not require, though, a warrant requirement.

Senator REED. Thank you very much. Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Reed. Senator Fischer.

Senator FISCHER. Thank you, Madam Chair. Welcome, Mr. Attorney General. It is good that you are here and I appreciate that you are here. Thank you.

I noticed that President Biden's budget request for the Justice Department states that its goal is to uphold the rule of law. I appreciate this goal, but I don't see a budget that truly supports this vision. I see cuts to resources for local law enforcement who are struggling right now. I see the elimination of a program that helps put criminal illegal aliens in jail, and I am seeing cuts like these in favor of more spending to fulfill President Biden's political goals. Smart and responsible budget cuts are important, but if you really want to uphold the law, cuts to law enforcement programs aren't the right place to start.

For example, your funding request for the community-based violence intervention and prevention initiative is $110 million more than the funding you are seeking for the Regional Information-Sharing Systems Program known as RISS. RISS is a proven communications program that helps State and local law enforcement combat criminal activity.

As nice as community intervention programs are, they will never replace the men and women in uniform who hold the Thin Blue

Line every single day. The President's request actually tries to cut funding for the RISS Program by several million dollars. Did the Department assess a reduced need for RISS funding for fiscal year 2025, because that is not what I am hearing from Nebraska sheriffs?

Attorney General GARLAND. I have to say that funding for State and local police is a high priority for the Justice Department. We are asking for more than $4.3 billion in funding for State and local police, and $16.5 billion in a mandatory program over 5 years. We are asking for an increase in our COPS Hiring Program of, 893.5 percent, $2.5 billion total, $2.3 billion increase, that money goes for State and local police hiring.

We are asking for $524.5 million for Byrne JAG grants, $323 million, a $7.5 million increase, for our Office on Violence against Women grants which focus on local law enforcement and prosecutors. We have asked for $133 million for our Public Safety Officers Benefits Program——

Senator FISCHER. Excuse me. I have limited time, but I know there are a number of programs out there, but specifically to the RISS Program, which is a program that really offers secure information sharing, and communications capabilities, investigative support services, and that all enhances our officer safety. And so what I am hearing is the priority for that program which we are looking at a $4 million decrease, and the President's requesting $40 million.

You compare that to the community-based Violence Intervention Prevention Initiative that has increased a top line to $250 million over 5 years. So while we are looking at, in the fiscal year 2024 budget, zero dollars for that program, we are now looking at $150 million increase in that program. So I am just curious if you reach out to local law enforcement which I know, I know you do, but do you hear a priority being for the RISS Program as well?

Attorney General GARLAND. I am sorry. It may be even embarrassed to say that I am not sufficiently familiar with the RISS Program. I have spoken constantly, we meet quarterly with State and local law enforcement, and I have gone to more than 40 U.S. Attorneys' Offices to meet with State and local, this issue hasn't been raised for me, but I will ask my staff to get back to you. Many of the things you are talking about sound like things that are also covered by the other grant programs but——

Senator FISCHER. We also face issues because of the chaos that we see at our Southern border. There is a program that you have there, it is one of the few programs that help States with that, it is the State Criminal Alien Assistance Program which the President has proposed to cut funding to that entirely, entirely, reason being that it is a duplicative program.

My time is out, but I would like to submit a couple more questions to you if you could respond to it, and specifically that program, because we are seeing across this country, cities, States seeing increased needs for these assistance programs because of the chaos that we see at our border, and to find one that again is working for my State and to see that being cut I would like—I would like to explore the answers that you provide for that.

Attorney General GARLAND. I will be happy to answer the question.

Senator FISCHER. Thank you, sir, very much.

Attorney General GARLAND. Yes.

Senator SHAHEEN. Thank you, Senator Fischer. Senator——

Attorney General GARLAND. Madam Chair, if I could?

Senator SHAHEEN. Yes.

Attorney General GARLAND. I realized I confused my answer to the Senator's question about the House Bill for 702 because there have——

Senator SHAHEEN. Please clarify.

Attorney General Garland [continuing]: Been quite a number of House Bills. The one that passed the House is the one that we do very strongly support. It is the one that passed last week, and I do urge the Senate to pass that bill.

Senator SHAHEEN. Well, thank you for that clarification. Senator Coons.

Senator COONS. Thank you, Chair Shaheen.

Thank you so much, Attorney General Garland. Senator Fischer and I may find some things to work on out of her questioning. We are the co-sponsors of the Recruit and Retain Bill that has already passed the Senate and would strengthen the COPS Program's ability to help State and local law enforcement with recruitment and retention.

As the co-chair of the Law Enforcement Caucus on the Judiciary Committee with Senator Cornyn, and someone who spent a decade in local government responsible for the second largest police department in our State, I have focused in my 14 years here, on partnerships like RISS, like information sharing, and ways to support local law enforcement.

As you said in your opening testimony, the investments, the initiatives that you have taken in the Department of Justice and the brave men and women who serve us every day through DOJ, are having an impact. In my hometown of Wilmington murder is at a 20-year low. The broad perception of crime is not improving at the rate we would hope, but the reality, in my hometown, we had a crisis of shootings and murders that lasted for a decade. We are now seeing a persistent, sustained, significant drop in violent crime, and I thank you for your leadership on that.

The American Rescue Plan was the single largest investment in law enforcement and public safety by the Federal Government in our history, and I am pleased your request builds on that success. I wanted to reference four different things briefly in my questioning: the Victims of Child Abuse Act and the critical work you are doing to help fund and implement that, boosting hiring through the COPS Program as I referenced, protecting those charged with upholding the law, our judges, at both the Federal and local level, and enforcing IP rights.

I also think it is key that we continue funding the implementation of the Bipartisan Safer Communities Act, a critical gun safety measure that passed by a broad bipartisan margin here in the Senate. I worked hard with Senator Blunt to reauthorize the Victims of Child Abuse Act programs, and I appreciate the Department's effort to increase, by 7 percent the funding for this. It is a critical—

children's advocacy centers are a critical resource to ensure that law enforcement, mental health professionals, medical professionals come together to work on child abuse investigations in a child-centered way that is effective.

And I am proud of the work representative Krista Griffith and her team at the Children's Advocacy Center of Delaware have done, I used a CDS to strengthen that. The need is great, there are a significant number of unserved children. Can you explain why the Children Advocacy Center Program is important and what role it plays in helping solve crimes?

Attorney General GARLAND. I have to say I am not intimately familiar with the center, obviously we need children's advocates when children are victims, they can't advocate for themselves they need——

Senator COONS. Mr. Attorney General, I'll interrupt—I will I would be happy to familiarize you with the investigatory tool that it is.

Attorney General GARLAND. Okay.

Senator COONS. It is a unique model, its name is somewhat misleading but it—I have seen it work on the ground in our community. I appreciate your commitment to law enforcement hiring and funding new positions. How are you working to ensure that small departments can fully access the COPS Program? The agency I was responsible for was the second largest in our State. But frankly, COPS Programs have made a real impact in smaller agencies.

Attorney General GARLAND. The Director of the program is very sensitive to the concerns of the small agencies, both in urban areas and in rural areas, understanding that they don't have the luxury of having administrative officers who can fill out the forms, do the appropriate collection of data, nor even necessarily interrelate with respect to the Internet program, so they have developed a reach-out programs, they have simplified the applications. And we have tried to make known in our quarterly meetings with all the law enforcement agencies organizations the availability of these reach-out services.

Senator COONS. We had a Judiciary Committee hearing on this last week, and Director Clements, I urged him to try and strike the right balance between ensuring appropriate oversight, and auditing and performance standards but minimizing needless and duplicative paperwork.

The Supreme Court Police Parity Act, something that I helped get into law, I think signals the seriousness with which I take the security of our Federal judges. Also, frankly, the vast majority of judicial officers are at the State and local level, and Senator Cornyn and I have introduced a bill to create a State Judicial Threat Intelligence and Resource Center, housed at the State Justice Institute.

Is the Department tracking an uptick in violent threats against Federal judges? And what do you think Congress and the Department can do, to help secure the safety of our judiciary at the State and Federal level?

Attorney General GARLAND. Yes. Yes we are and that is reflected in prosecutions that we are bringing. Used to be extraordinarily unusual to bring—to have those kinds of cases and now we are

fielding more and more quite serious threats, finding those people and prosecuting them. I say the principal way that can be of assistance is the appropriations for the Marshals Service, which has in particular an item for increasing $28.1 million for judicial security. The Marshall Service are the ones who provide judicial security for all the, well more than 2,000, Federal judges across the country.

Senator COONS. Thank you and frankly, while not as urgent as police hiring, reducing violent crime, protecting our judges, I continue to be gravely concerned about intellectual property theft by China. You have a small but effective program that helps with the training and implementation of IP theft programs. I recommend to you sustaining it, if not growing it.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Coons.

Senator Capito.

Senator CAPITO. Thank you, Madam Chair.

Thank you, Mr. Attorney General, for being here today, and I just wanted to put something on your radar screen that struck me when I listened to Senator Moran's question about Leavenworth. We wrote a letter to you, a bipartisan letter, Senator Manchin and I. We have quite a few employees at the Hazelton Prison that has over 3,000 inmates. A whistleblower came forward with pretty graphic details of mismanagement, abuse, and worse.

And it is a chronic problem there because I think lack of workforce and lack of ability to staff up properly. I don't know if you have any reaction to what is going on at Hazelton specifically, or do I need to follow up with you?

Attorney General GARLAND. We will follow up, but this has come to our attention, obviously, not only from your letter and I believe the actions were taken over the last couple of weeks, but we will get more information to you. I think you are right on the problem of recruitment. It is a difficult—it is not only Hazelton where it is difficult for us to recruit——

Senator CAPITO. Right.

Attorney General Garland [continuing]: Correctional officers. It is a very dangerous job in facilities that have—you know, there has not been the capital investment over the last decades that is required, and sometimes State and local facilities not too far away, they are offering more money in terms of salary. So we have asked for money for retention, and hiring more than the normal salary that we would otherwise be able to pay. That is what the Director thinks is going to be necessary to recruit the number of officers necessary to provide safety in our prisons.

Senator CAPITO. Right. I think safety is the issue obviously, it has been at that facility. I know you have answered a lot of questions on fentanyl but this is a huge issue for West Virginia. We have the most really drug-related deaths per capita than any other State, and most of it is tied to fentanyl. Do you think that the $2.7 billion is an adequate budget for the DEA? And how could our resources be better prioritized to reduce and one day eliminate the amount of deaths we experience from fentanyl, obviously, to stop the flow of fentanyl would be number one, but how would you respond to that?

Attorney General GARLAND. We would always like more money, but we are obviously trying to live within the caps that were agreed to. I think the budget that we have asked for is a 6 percent increase over the enacted for 2024, includes an addition of 40 agents which will be very helpful. This also includes money for diversion control which was part of the problem in quite a number of States with respect to opioids, and then there is the money that we have available in grants with respect to—for of course State and local opioid addiction treatment and protection. So that is the more than $490 million in counter drug-related OJP grants, including the CARA Grants and the local STOP (ph.) Grants.

Senator CAPITO. And we took a trip to Mexico, and met with the President of Mexico, and Senator Moran was on that trip just briefly and—well, he was on the trip the whole time, it was a brief trip. Anyway we sat in and listened to the President of Mexico basically tell us that: You have a demand problem in the United States, and you have heard him say this publicly, and that—because we were imploring him to stop the flow of the chemicals that are coming in from China and then having the development and production in Mexico and then flowing into the United States.

What is the current state of that disruptive—of that needed disruption between the Mexican border and the United States in terms of getting the Mexican Government to cooperate with our government law enforcements to be able to shut these things down?

Attorney General GARLAND. Senator I have sat through that same discussion three times by the President of Mexico, so I am familiar with your frustration. I would say cooperation is improving but much, much more is required. They have increased the number of precursor chemicals on their—on the list of—that have to be registered to come in. They have at our request, extradited a number of the people whom we have indicted, the heads of the Sinaloa Cartel, the Chapitos, the sons of El Chapo, they have destroyed labs.

And I will say in connection, for example, with their arrest of Ovidio, the son of El Chapo, a number of their Mexican Marines lost their lives, they are—you know they are facing an organization which, in many ways, has more heavy weaponry than some small countries. So it is dangerous for them, but it is not sufficient. And that is why I keep going, that is why my Deputy Attorney General keeps going, that is why our law enforcement agencies at all the operational level keep going to try to get more cooperation.

Senator CAPITO. Thank you. Thank you for coming.

Attorney General GARLAND. Um-hum.

Senator SHAHEEN. Thank you Senator Capito. Senator Britt.

Senator BRITT. Excellent. Thank you Madam Chair.

Mr. General, thank you for being here today really appreciate it. During last year's hearing I asked you about training materials that were used to prepare the U.S. Marshals assigned to protective details at the homes of our Supreme Court justices in the aftermath of the leaked Dobbs decision. Those training materials made it clear that far from having the full authority to arrest people under any Federal statute, as has been previously testified, the Marshals on the ground at the homes of the justices were actively discouraged from making arrest under 18 U.S.C. 15—Section 1507.

As we discussed last year Section 1507 makes it a crime to picket or parade near residence occupied by a judge with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, as I know that you are fully aware. In the aftermath of that hearing, I and several of my colleagues sent a letter to you on May 3 2023. That letter recounted the contents of some of the training materials discussed during the hearing, and also discussed new materials that we had received afterwards. Those new materials consisted of several different versions of post orders that were provided to U.S. Marshals assigned to protect the homes of the justices, and further confirmed that they had been actively dissuaded from making arrest under Section 1507.

The letter asked for a response to 19 different questions and/or document request by May 24, 2023. To date, almost a year after it was transmitted to DOJ, I have yet to receive any response to that letter. My staff repeatedly reached out to DOJ to inquire about the status of the response, including via email, on May 26, June 13, and July 11, and by phone on numerous other occasions. Staff for this subcommittee actually got involved and also reached out to DOJ's appropriation liaison office in August to inquire about the status of the response to my letter.

Neither my staff nor the staff of the subcommittee, to my knowledge, have received any type of update regarding the timeline provided for a response, or an answer to any of the questions that were in that document. And so my question to you is, is there is a reason that I didn't get a response to that letter, and will you commit to me to getting one before the end of the week?

Attorney General GARLAND. I will speak to my staff about the responses to your letter. But as you no doubt know the Director of the Marshals Service testified extensively in February of this year on the precise questions that you are asking, he was subject to further questioning, and he explained. He confirmed that what I testified to before this Committee was correct, and accurate, and true, that I had—he testified that I had directed him that his first priority is to protect the lives and safety of the justices of—and their children and that they are—have full authority to make arrests under any other statute including Section 1507 but that they swore——

Senator BRITT. Mr. General——

Attorney General Garland [continuing]: Swore that they do not do so in a way that would risk the lives, with respect to someone standing post who sees a——

Senator BRITT. Mr.—well, Mr. General, my question is really about the letter, I mean, I just——

Attorney General GARLAND. [continuing]: I am answering you, there was a testimony by in person and——

Senator BRITT. Right, well that would have been a—sir, if I may. Then that would have been an easy thing. You are now recounting all of the things that you could have put in a letter. I am actually a Member of the United States Senate. I may sit on an opposite side of the aisle, I may be from a State that doesn't maybe come to your radar, there may be some other reason, but I actually deserve an answer. And so I would respect that you respect that. And even if that answer is not something I like, over a year with no re-

sponse after we are trying to get one, and you could have very easily sent a letter that pointed to those things right there. It is disrespectful, and I really don't appreciate it. So——

Attorney General GARLAND. I have the greatest respect.

Senator BRITT. So in the future though, too, and as a former staffer myself, I would assume that somebody sitting behind you knows that you didn't respond to me. And I just want to say I deserve your respect and I hope that you would give it to me in the future. And so even if it is what you just said right here, I would like a letter by the end of the week.

Attorney General GARLAND. I greatly respect you, Senator. I greatly respect the Senate.

Senator BRITT. Thank you.

Attorney General GARLAND. I guess I would assume that then we all——

Senator BRITT. Then we will—then we will get it. And you can put that in the letter, yes sir.

Attorney General GARLAND. [continuing]: We will be sure that the transcript of the testimony gets to you in a letter, yes.

Senator BRITT. Thank you. I appreciate. Given that, I actually have a similar concern as Senator Coons—just about our Federal Judiciary. And when I look at what is happening across the country, I just want a commitment from you that DOJ and Marshals Services will enforce all applicable laws, all of them, including obviously 1507 to protect Federal judges, and that, as he said that we are doing everything that we can. And if there is anything that we need to be doing more of that we can communicate on that and certainly look forward to partnering on making sure that we are doing it.

Attorney General GARLAND. As a long-time Federal judge who cares very much about the safety and security of my former colleagues, I have done way more than any Attorney General in history has done, in this respect.

Senator BRITT. Good.

Attorney General GARLAND. And I can promise you that I will continue to do so.

Senator BRITT. Excellent; and looks like I am out of time. Thank you.

Senator SHAHEEN. Thank you, Senator Britt. Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Madam Chair.

Mr. Attorney General. Great to see you today. And I do want to start by thanking the President and the Biden Administration for all their help and rapid help in response to the bridge collapse in Baltimore. There are many pieces we need to pull together, but the FBI was—they were among the first on the scene to try to rule out foul play, terrorism, and they have been—continuing to be present. So thank you and the Justice Department.

We, the State of Maryland has now been enrolled in what is called the emergency repair program. It is a program at the DOT, and we are really glad to be part of it. Senator Cardin and I have introduced legislation to ensure that the President's pledge that we as a Federal Government will come together and make sure that we cover the costs of the bridge replacement are met.

But we also are writing into that legislation a clear directive that any funds recouped as a result of lawsuits or the liability will be returned to the Federal taxpayer. That reinforces a provision already in law. I just want to ask you and the Department for your commitment to work with us to make sure that if there is been malfeasance, negligence, that Federal taxpayers will be recouped—will recoup expenses that they are putting out for bridge replacement.

Attorney General GARLAND. We will of course use every tool we have with respect to recovering from any wrongdoers if we find the kind of wrongdoing that allows us to make those recoveries.

Senator VAN HOLLEN. And as I understand it, whether the suits are brought by the Federal Government, or by states attorney generals, that the Federal Government has the first priority claim on any monies that come in as a result of that. Let me also thank you and the President for the regulations guidelines that you put forward in response to the Safer Communities Act, specifically work to close the "gun show loophole".

So I chair the Appropriations Subcommittee that oversees the FCC. One of the issues that they try to track and prevent are robocalls, which I think every American has been the victim of robocalls. And I want to congratulate the Department, DOJ, I think in 2021, there was a major recovery of about $10 million from one of these operators who was violating the various Federal laws. But in testimony by the Chair of the FCC, Chair Rosenworcel, she has asked for authority for the FCC to directly bring these cases.

Because as you can imagine, there are lots of robocall cases, understandably not all of them, you know, rise to the level where DOJ would use its assets to prosecute, but the FCC doesn't have the authority to prosecute, they can impose a penalty but they can't enforce it. So my question to you is, does the DOJ have any opposition to Congress empowering the FCC to bring these cases directly in court and enforce them?

Attorney General GARLAND. So I haven't thought about that specifically, so I have to get back to you. As a general matter it has proven to be an element of good government to have all of the litigation in the hands of the Justice Department overseen by the Deputy—by the Attorney General with respect to all of civil and criminal enforcement, to make sure that the United States is always taking the same position in different cases. These cases involve not just a specific question under a statute, but many other civil procedure kinds of questions.

So I would say as a general matter the Department favors the litigation remain in the hands of the Department. I don't—I have not heard of any problems from the FCC with respect to us not moving vigorously or aggressively enough on those cases, but I will get back to you on that.

Senator VAN HOLLEN. Well, Mr. attorney General. I am happy to share with you the testimony of the Chair, and again she wasn't being accusatory—with respect to DOJ, but I think it is a fact that, you know, given all the cases that you are facing, you don't have the time and the resources to commit to many of the robocall cases. My understanding is the FCC has some authority to bring cases directly.

Attorney General GARLAND. Some, yes.

Senator VAN HOLLEN. Right. So I hope you would agree that we can provide the FCC some limited authority to bring cases that the DOJ—that are pending, you are correct, and there are lots of penalties that are not collected, right. So it is not a hit on DOJ, but it is a question of making sure that we enforce Federal law.

Attorney General GARLAND. I will have to I will look into those circumstances and I will ask my staff to talk to yours.

Senator VAN HOLLEN. Thanks. So one other question, I know the FISA legislation has come up, I heard your response to that. Many of us believe that at the FISA court there should be even more of an opportunity for the sort of people's advocate to weigh in in these cases. There is a process as you well—might know to file amici briefs, but there is legislation that Senator Durban and Senator Wyden proposed, where one element of that would be to require the court to appoint amici in certain narrow cases involving Americans' First Amendment rights, cases involving the investigation of religious figures, members of the media, cases involving new technologies or new surveillance programs. Would you object to ensuring that an amici is appointed in those kinds of circumstances?

Attorney General GARLAND. So I tell you this is separate from the 702 legislation that you are talking about. This would be separate legislation?

Senator VAN HOLLEN. I think this—no this would be—relates to the whole—all the FISA legislation including the Section 702. This goes beyond 702 I am not talking about——

Attorney General GARLAND. Is this about the reauthorization?

Senator VAN HOLLEN. Yes.

Attorney General GARLAND. This is not part of that?

Senator VAN HOLLEN. This part of the reauthorization of——

Attorney General GARLAND. 702.

Senator VAN HOLLEN. I think that is where they are proposing to include it.

Attorney General GARLAND. I see. So we strongly support the bill that passed out of the House, as it is, we need this finished by the end of the week or our authorization expires. So anything that would get in the way of that happening I would be reluctant to tell you, but I have to, that I couldn't support. I think the judges know well when they need *amicus* and they have the ability to appoint *amicus*. From my own experience during the time I was in the same courthouse with the FISA judges they are very pleased with the *amicus* that they have, and they know well when difficult cases arrive—arise how to appoint one and to appoint one, and there is nothing that prevents them from doing that now.

Senator VAN HOLLEN. No. I appreciate that. Madam Chair, I will just end by saying, you know, in a typical, you know, adversarial proceeding there is a representative there for, you know, the adversary here, the question is just whether to make sure that the people who may be, you know, on the receiving end of the investigation have their rights protected. But we can continue that conversation.

I will say there is quite a bit of concern about this provision that came up today, that was added in the House-passed bill that was

not part of the Warner-Rubio Bill, but I am sure that will be a subject of conversation in the coming days.

Senator SHAHEEN. I am sure it will. Thank you, Senator Van Hollen.

Mr. Attorney General, I understand you have a heard out at 11:30. I would like to just raise two brief points before we close the hearing. In March of 2023 you testified in front of the Committee and we discussed anomalous health incidents. I relayed the situation of someone I had met on a Congressional Delegation visit to the country of Georgia, she was the wife of a career employee with the Department of Justice, and her life and career had been upended because she had been affected by an anomalous health incident, and she had not been able to get satisfaction from the Department of Justice for that.

You talked about taking a look at that and coming up with a rule that could be implemented, can you tell me when that draft rule is expected to go into effect?

Attorney General GARLAND. I can tell you. I signed the rule, I believe it is in with the Federal Register now, and as soon as they publish we will be able to reach out and start processing these claims. I am grateful for your bringing that to my attention.

Senator SHAHEEN. Well, thank you, and I am delighted to hear that that is progressing, and hopefully we can ensure that people who have been affected get some satisfaction and some help for what has happened to them.

The other issue is one that you raised earlier in the questions from Senator Moran and Senator Capito about recruitment and retention of our Federal corrections officers. FCI Berlin, which is a prison in Northern New Hampshire, has had similar recruitment issues. It is a very rural part of our State, far away from lots of urban areas, and while lots of people really like that, it makes it hard to recruit.

Further, a number of officers have been called down to facilities in New York which have even more extreme challenges with hiring, and have been asked to go serve there for a period of time, which creates more concern and pressure in Berlin. We are also in the—considered in the Boston Metropolitan area which means that the issue you raised about people being able to get more pay in other areas is exacerbated because even though New Hampshire has a lot of rural areas to put us in with the Boston Metropolitan area creates a real problem and that is what the Office of Personnel has done.

So can I just ask that you work with us as we—and with the Bureau of Prisons as we take a look at this issue, because it creates real challenges for what is already a problematic situation?

Attorney General GARLAND. Yes. Absolutely, we would be happy to do that. And as I mentioned we have a request for some $205.4 million for hiring and retention incentives, we are just going to have to improve the pay scale for correctional officers if we are going to solve this problem in the end.

Senator SHAHEEN. Absolutely. And throwing the—it is complicated because of that designation of what area you are included in, and what that means for pay.

Attorney General GARLAND. Yes. Yes.

Senator SHAHEEN. Well, thank you. Thank you very much. You have been very generous with your time this morning.

ADDITIONAL COMMITTEE QUESTIONS

Senator SHAHEEN. And if there are no further questions, Senators may submit additional questions for the official hearing record, and we hope that the Justice Department will respond to those questions within a reasonable period of time. We usually ask 30 days, but we understand that may not always be possible, but hopefully within a reasonable period of time.

Attorney General GARLAND. Okay. Thank you. We will.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO HON. MERRICK B. GARLAND

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN, III

Question 1. In the FY2024 minibus for CJS appropriations, I secured language requiring a report on granting Homeland Security Investigations (HSI) Title 21 authority to investigate drug crimes without needing authority from the Justice Department.

This small change, which is supported by the Department of Homeland Security, would untie our hands and allow maximum flexibility to take the fight directly to the cartels. I understand that the Drug Enforcement Agency (DEA) has some concerns with granting HSI this authority.

Do you agree that more agents in the field with proper authority would allow us to better combat the drug epidemic?

Answer. Stopping the flow of fentanyl and other drugs into the United States has never been more important. DEA and the Department of Homeland Security (DHS) play important and complementary roles in combating Federal drug crimes. DEA is the Administration's lead investigative agency for combating fentanyl. As such, DEA targets the cartels and their networks here and abroad. DHS has a vital role, securing the border to stop drugs from coming into the United States and pursuing investigations with a nexus to the border. The authority DHS currently possesses allows for the interdiction of fentanyl and the seizure of other contraband at the border.

DHS does not need Title 21 authority to execute its border mission. In 2023, 98% of all fentanyl seizures by Customs and Border Protection occurred on the southwest border. HSI and Customs and Border Protection have full authority to effect narcotics, narcotics-related precursor and paraphernalia, and drug money seizures and arrests at the border and at points of entry. Since illegal narcotics are contraband, wherever HSI agents encounter narcotics, they can make narcotics seizures and associated arrests. Granting HSI broad, independent Title 21 authority could shift resources away from the border, thereby diverting its resources and mandate away from one of the most critical enforcement areas in the fight against fentanyl.

Moreover, granting DHS Title 21 authority and removing important de-confliction practices currently part of the longstanding Interagency Cooperation Agreement may discourage cooperation, increase demands on both agencies related to deconfliction, and create delays, which would lead to more overlap between DEA and DHS, with agents working more of the same targets in the interior. The overall effect could be less resources at the border, and less efficiency.

The Department is using all available resources to combat drug trafficking, increase access to evidence-based treatment, and prevent drug overdose and poisoning deaths in the United States. We are working closely with law enforcement agencies here and abroad to stop deadly synthetic drugs from flooding into our neighborhoods and to aggressively investigate and prosecute those responsible for manufacturing and trafficking these drugs.

What steps could be taken, absent legislation, to improve the process by which HSI requests Title 21 authority from DOJ?

Answer. The Drug Enforcement Administration (DEA) advises the following: Right now, HSI has Title 21 authority, delegated by DEA pursuant to the Interagency Co-

operation Agreement, originally signed in 2009, and reaffirmed by both agencies in 2021. The Department, DEA, Department of Homeland Security (DHS), and Homeland Security Investigations (HSI) have recently reaffirmed their commitments to working together under the process set forth for DEA delegating Title 21 authority to HSI and addressing issues related to joint training and data tracking.

Whenever DHS has sought Title 21 authority to execute its border-related mission, DEA has granted it. And the delegation process promotes critical coordination and deconfliction that makes law enforcement more effective. DEA has already delegated limited Title 21 authority to more than 4,600 HSI agents—which is over 60% of all HSI agents, and represents more than DEA's entire Special Agent population. There is no cap on the number of HSI agents who may be cross designated to investigate illicit drug cases at the borders or ports of entry. Every HSI agent who handles border-related investigations is eligible to receive delegated Title 21 authority. HSI is also a partner at our Special Operations Division. DEA and HSI work to resolve any challenges with the agreement.

Question 2. Last year, Deputy Attorney General Lisa Monaco asked Congress to expand its ability to transfer to Ukraine the proceeds of forfeited Russian assets. Right now, the Justice Department has this authority only as it applies to specific sanctions. There are many other economic countermeasures applied against Russia, including export controls, from which we are sitting on funds that could easily be transferred to Ukraine.

I worked with the Justice Department to introduce legislation with my friend, Senator Lindsey Graham, that provides this authority. Our Transferring Illicit Assets to Ukraine Act passed the Senate Foreign Relations Committee 20–1 as part of the REPO Act. I am working with my colleagues to get this important legislation across the finish line.

Deputy Attorney General Monaco testified that the U.S. was "leaving money on the table" without this authority. Can you explain how expanding DOJ's transfer authority would unlock hundreds of millions of dollars in support for Ukraine at no cost to U.S. taxpayers?

Answer. The Department appreciates your efforts to strengthen the Department's ability to expand the Department's authority to allow for transfer of forfeited assets for Ukraine's benefit and are supportive of the legislation.

The Criminal Division, Task Force KleptoCapture (TFKC), and the National Security Division advise as follows:

The Department would welcome a technical fix to extend the existing transfer authority to cover the full scope of Task Force KleptoCapture's work to counter Russian aggression and malign activity. In particular, the Department would welcome the authority to transfer assets forfeited in connection with additional violations, not just the sanctions in the existing legislation. The expansion could cover violations of the Export Control Act of 2018, the Export Administration Regulations, and other economic sanctions, including the 2014 sanctions imposed in response to Russia's earlier invasion of Ukraine. These proposed additions in the Transferring Illicit Assets to Ukraine Act of 2023 would provide the Department the ability to transfer a broader swath of forfeited assets for the benefit of Ukraine. The Department will continue to work diligently to forfeit such assets and has initiated a number of forfeiture actions that, if ultimately successful, could make additional assets available to assist in rebuilding Ukraine if the Act is enacted.

In March 2022, the Department launched TFKC, an interagency law enforcement task force dedicated to enforcing the sweeping sanctions, export restrictions, and economic countermeasures that the United States has imposed, along with its allies and partners, in response to Russia's unprovoked invasion of Ukraine. TFKC's role is to ensure the full effect of these actions, designed to isolate Russia from global markets and impose a serious cost for this unjustified war, by freezing, seizing, and forfeiting the assets of sanctioned Russian oligarchs, and by indicting individuals for violations of U.S. sanctions and evasions of export controls.

The Department continues to work diligently to hold accountable those whose actions support and enable Russia to continue this unjust war. Since its inception, TFKC has brought criminal charges against more than 80 individuals and entities for sanctions evasion and export control crimes, and has also seized, forfeited, or otherwise restrained a variety of high-worth assets, including luxury yachts, real estate, and investment accounts.

In the Additional Ukraine Supplemental Appropriations Act of 2023, Congress authorized the Department to transfer certain forfeited property to the Department of State to remediate the harms of Russia's invasion of Ukraine. Specifically, the statute authorized the Department to transfer property forfeited on the basis of a viola-

tion of specific sanctions: those authorized by Executive Order 14024, and as expanded and relied on by later, related executive orders. This meant that property involved in violations of sanctions imposed for Russia's invasion of Ukraine could be used for assistance to Ukraine. In February 2023, the Department authorized the first ever transfer under this new authority.

Finally, the Department notes that the existing transfer authority is scheduled to sunset on May 1, 2025, less than 1 year from now.[1] The Department is diligently pursuing forfeitures that may be subject to this existing authority, but not all pending forfeiture actions may be resolved within that timeframe. Accordingly, Congress may consider extending the date on which this authority would sunset beyond May 1, 2025, in addition to the amendments to expand the authority.

Question 3. I was proud to help negotiate the Bipartisan Safer Communities Act (BSCA), the most significant piece of commonsense gun safety legislation in almost three decades. As you know, many of the agencies implementing this historic piece of legislation are located in West Virginia. For example, the ATF's National Services Center (NSC) in Martinsburg, WV, traces illegal guns, and the FBI's Criminal Justice Information Services Division, located in Clarksburg, WV, handles the National Instant Criminal Background Check System.

The ATF's recent Final Rule expands the categories of firearm transactions that require individuals to conduct background checks and register for a Federal Firearms License (FFL). I strongly support closing the gun show and other loopholes, but it has always been Congressional intent to protect bona fide personal gun transfers, especially among family.

Will you pledge that, under the ATF's Final Rule, individuals transferring guns to family members will not need to register as an FFL?

Answer. The Bureau of Alcohol, Tobacco, and Firearms (ATF) advises the following:

On April 10, 2024, ATF's Final Rule, "Definition of 'Engaged in the Business' as a Dealer in Firearms," amending regulations in title 27, Code of Federal Regulations, part 478 was signed. The Final Rule tracks the statutory language, which, as amended by the Bipartisan Safer Communities Act (BSCA), requires anyone "who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms" to obtain a Federal firearms license. The BSCA changed the previous definition of "engaged in the business" by striking the language "with the principal objective of livelihood and profit," and replacing it with "to predominately earn a profit."

The Final Rule explicitly states that people engaged in the occasional sale or transfer of firearms to family members are not presumed to be engaged in the business, and, therefore, do not need a license.[2] This is because, as noted in the Final Rule, a person who only sells or otherwise transfers a firearm occasionally to a family member is less likely to have a predominant intent to earn a profit due to their pre-existing close personal relationship (i.e., a less than arms-length transaction).[3]

Even in circumstances involving repeat sales or transfers to family members, the Final Rule makes clear that the totality of circumstances governs and that there must always be an intent to earn a profit before a license is required. The presumptions in the Final Rule are, moreover, based on decades of pre-BSCA case law that continues to be applicable today.

What steps can the Department take with existing resources and authority to improve operations at the ATF facility in Martinsburg?

Answer. The Bureau of Alcohol, Tobacco, and Firearms (ATF) advises the following:

ATF's National Services Center (NSC) in Martinsburg, West Virginia is critical to ATF's mission and priorities. The NSC houses several mission-critical functions, including the National Tracing Center (NTC), the Firearms and Ammunition Technology Division (FATD), and the National Firearms Act (NFA) Division. The FY25 President's Budget request includes $43.9 million and 25 positions (zero agents) for the expansion of the ATF facility in Martinsburg, West Virginia, to address overcapacity, which poses significant risk to the ATF's ability to execute both its core public safety function, in supporting State and local law enforcement to fight gun

[1] See Consolidated Appropriations Act, Sec. 1708(d), Public Law No. 117–328, 136 Stat. 5200.
[2] See 18 U.S.C. 922(a)(1), 923(a).
[3] See Final Rule, 89 Fed. Reg. at 29026.

crime, and for its regulatory mission. This program enhancement will also support the accurate and efficient processing of all applications to register NFA weapons.

The NTC is an excellent example of the critical work ATF carries out in Martinsburg. Between fiscal year 2000 and fiscal year 2021, the NTC processed over 7.6 million firearm trace requests to provide law enforcement agencies with strategic and investigative leads, and 53% of those searches were completed using out-of-business records provided to ATF by closed dealers pursuant to Federal law. Currently, ATF completes standard gun crime traces in approximately 7.6 days and urgent gun crime traces in approximately 24 hours.

Question 4. I have always believed that a healthy democracy depends on a voting system that is accessible, free, fair, and secure. While history will tell you that we have come a long way in ensuring that all individuals, regardless of race, sex or political affiliation, have the ability to cast their vote, we can all agree that we still have some work to do.

As you are likely aware, recent election cycles have been accompanied by wide scale election interference attempts. We have seen actors—both foreign and domestic alike—seek to sew doubt into the results of the previous two Presidential elections, which culminated in the dark day that was the January 6th Capitol Insurrection. I was proud to have co-led the group that crafted and passed the Electoral Count Reform Act, which we hope will ensure the events of that dreadful day are never duplicated.

However, despite our best efforts, it appears that our country will confront similar challenges again. As has been widely reported, Russia is once attempting to erode faith in U.S. held elections this November. We must do everything to maintain the confidence in our systems and ensure that American's most fundamental right is protected.

What actions is the Department of Justice taking to ensure safe and secure elections in 2024 that are free from election interference?

What resources have you requested to successfully implement your aforementioned action plans?

Answer. Protecting the right to vote was a founding purpose of the Justice Department. Today, fulfilling that charge means confronting the full range of threats to our elections.

The Intelligence Community has made clear that Russia remains the predominant foreign threat to our elections and that Iran is also accelerating its efforts. Our National Security Division and the FBI protect our elections from such national security threats, including malign foreign influence and cyber-enabled campaigns.

The FBI advises that through the FBI's Foreign Influence Task Force, the Department is identifying and counteracting foreign operations that target our democratic institutions, with a specific focus on our elections. Part of the Department's strategy involves sharing threat information with companies that operate social media platforms, so that these companies may take their own independent actions to mitigate those threats. That includes sharing information about specific accounts on their platforms involved in foreign malign influence activity.

The Department has seen a dangerous increase in violent threats against public servants, including those who administer our elections. These public servants must be able to do their jobs without fearing for their safety or that of their families. Through the Election Threats Task Force, our U.S. Attorneys' Offices, and our FBI offices across the country, the Department investigates, disrupts, and combats unlawful threats against those who administer our elections. The Department also provides funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program that states and localities may use to deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.

Finally, the Civil Rights Division also enforces Federal voting rights laws. Through these efforts, the Department is challenging discriminatory restrictions on access to the ballot, working to block discriminatory redistricting plans, working with jurisdictions to ensure that their voting centers are accessible to voters with disabilities, and more.

The Department recognizes the urgency of these threats and is prepared to confront them. The Department will continue to protect people's safety, and we will continue to protect our democracy.

QUESTIONS SUBMITTED BY SENATOR GARY PETERS

Question 1. Organized retail crime has been harming communities and businesses across the country. It's estimated that in 2022 Michigan businesses lost more than $2 billion in revenue due to retail theft.

Attorney General Garland, what actions is DOJ taking, with state and local partners, to stem these crimes and prosecute perpetrators?

Answer. The Organized Crime Drug Enforcement Task Forces (OCDETF), FBI, and the Criminal Division advise as follows:

The Department continues to prioritize efforts to combat organized retail theft by working with our law enforcement partners to identify these organizations, dismantle them using an enterprise theory of investigation, and employ sophisticated investigative techniques.

For example, the FBI works with state, local, and Federal partners around the country through various task force initiatives to combat both violent crime and organized crime. The FBI leads eight Major Theft Task Forces around the country that are dedicated to defeating criminal organizations involved in interstate transportation of stolen goods.

In July 2023, the Department expanded the mission of OCDETF beyond its original counter-drug focus to begin using its joint law enforcement resources and capabilities against all transnational organized crime threats. As part of that expanded mission, OCDETF has established a National Organized Retail Crimes Strategic Initiative (NORCI) to address the increasing threats to our economic and national security posed by criminal networks committing organized retail crime. The NORCI will support investigative and prosecutorial efforts targeting organized retail crime groups across the nation, enabling Federal agents and prosecutors to develop enterprise investigations that dismantle these networks and their money laundering infrastructures by promoting the use of all statutory authorities, including money laundering offenses, to disrupt and dismantle these organizations.

Question 2. Last year, I released a report on the watchlisting and screening processes at airports that raised concerns about the terrorist watchlist—including who it is shared with, its implementation, oversight, and the redress process.

In particular, the report found insufficient transparency, lack of a holistic approach to screening, and no meaningful options to resolve concerns for Americans who believe they are misidentified or subject to discrimination. Certain communities, such as Muslim, Arab and South Asian Americans, report disparate screening during travel and a breakdown in trust over the inability to seek proper redress.

The Administration, including the DOJ and FBI, must effectively target our resources to protect our country from terrorism while respecting the rights of Americans.

Attorney General Garland, what steps have you taken to ensure that there is more transparency—especially to Congress—about the watchlist and other datasets maintained by the Terrorist Screening Center, a recommendation in the report?

Answer. The Department is committed to working with Congress to provide information about the watchlist and other datasets maintained by the Terrorist Screening Center (TSC). The FBI is working with committees interested in reviewing the updated Watchlisting Guidance. The Department is constantly in discussions with the Department of Homeland Security (DHS) about how to improve the processes between DHS and the immigration courts and at the border with respect to terrorist screening.

The FBI advises as follows:

The TSC is a multi-agency organization administered by the FBI that was established in 2003 through a Presidential Directive. Drawing personnel from various U.S. Government departments and agencies, the TSC maintains the Terrorist Screening Dataset (TSDS), the U.S. Government's consolidated database of identity information about individuals known or reasonably suspected to be or have been engaged in terrorism or terrorist activities.

The TSC works diligently to maintain a current and accurate watchlist while protecting privacy and civil liberties. A rigorous multi-agency vetting process is in place to allow the TSC to determine whether a person meets the strict criteria to be added to any watchlist. No one may be placed on the TSDS based solely on race, ethnicity, national origin, religious affiliation, or any First Amendment-protected activities. Continuous review and quality control measures improve the ability to make accurate identifications, and the TSC is constantly taking advantage of new methods and technologies to strengthen its processes. The TSC operates a 24/7 call center

that conducts identity resolution. Per established processes, when a screening agency or law enforcement agency encounters an individual who may be a potential match to an individual listed on the TSDS, the encountering agency contacts the TSC to confirm whether the individual is a positive match to a TSDS record. Encounters may be face-to-face (e.g., at a U.S. port of entry or during a traffic stop), electronic (e.g., visa application), or paper-based (e.g., review of a visa petition). If the individual is confirmed to be a match, the encountering agency will take appropriate action, consistent with the encountering agency's procedures, policies, and applicable authorities. Individual travelers who believe they have been unfairly or incorrectly denied boarding, delayed, or otherwise subjected to additional screening may seek redress through the Traveler Redress Inquiry Program (TRIP), which is administered by DHS. The TSC participates in DHS TRIP with respect to any inquiries related to the TSDS.

The TSC is committed to providing transparency about the watchlisting process. In April 2024, the TSC published an updated "Overview of the U.S. Government's Terrorist Watchlisting Process and Procedures."[1] That document provides an extensive overview of TSDS-related watchlisting and screening processes; quality assurance measures; processes relating to the removal of individuals from the TSDS; relevant oversight mechanisms; and the applicable redress processes.

Question 3. I have been hearing from formerly incarcerated Michiganders about the significant barriers they have faced when attempting to reintegrate into society. They have continually cited the difficulty in accessing proper documentation—birth certificates, social security cards, and state IDs—as they transition back to life outside the Federal prison system.

Such documents are often difficult for the recently released to access, preventing them from applying for jobs, finding a place to live, and accessing other necessities. A GAO report from 2022 stated that only about half of those formerly incarcerated in a Bureau of Prisons facility are released with at least one ID document in their possession. This leaves a significant portion of those formerly incarcerated without the necessary documents they need for reintegration. This is despite the Federal statutory requirement that the Bureau establish prerelease planning procedures that help inmates obtain critical identification documents.

Attorney General Garland, what are some barriers preventing BOP from ensuring all those released have some form of documentation? Are these barriers in any way related to resource constraints?

Answer. The Bureau of Prisons (BOP) advises as follows:

BOP works to ensure every U.S. citizen leaving its custody has proper legal identification obtained either from a Federal or state agency, or in the form of a Release ID Card. The lack of proper legal identification documents can hinder the ability to obtain jobs, housing, and other resources formerly incarcerated individuals need to successfully reenter the community.

BOP developed a Release ID Card, equipped with security features similar to those required by the REAL ID Act, to ensure all U.S. citizens leaving custody have a temporary form of identification to be used when completing the Employment Eligibility Verification (I–9) form. BOP worked collaboratively with the Government Publishing Office (GPO), Transportation Security Administration (TSA), and Immigration and Customs Enforcement (ICE) to develop its Release ID Card.

All BOP facilities now have the ability to utilize the Instant ID system to generate Release ID Cards. Since October 2023, BOP and GPO have generated over 6,500 Release ID Cards. Twenty-six states, including Michigan, accept the Release ID, however, six do not. BOP is reengaging with the states that have not responded to letters, emails, and phone calls regarding the Release ID Card. The states that have not accepted the Release ID Card have indicated that their regulations limit the types of documentation they can accept to issue a Real ID Card. BOP is continuing to work to increase access to identification documents.

QUESTIONS SUBMITTED BY SENATOR SUSAN M. COLLINS

Question 1. I am concerned about drones being used to bring contraband items such as cell phones, drugs, and weapons into correctional facilities.

---

[1] Federal Bureau of Investigation, Overview of the U.S. Government's Terrorist Watchlisting Process and Procedures as of April 2024 (2024), https://www.fbi.gov/file-repository/terrorist-watchlisting-transparency-document-april-2024-050224.pdf/view.

—What is the Department doing to counter the threats posed by drones at Federal correctional facilities and to assist state officials in countering this problem?
—Does the Department support the use of no-fly zones, signal jammers, or other novel means to counter the threats posed by drones at state and Federal correctional facilities?
—What can Congress do to assist the Department and its state counterparts in their efforts to counter the threats posed by drones at correctional facilities?

Answer. The Bureau of Prisons (BOP) advises as follows:

To counter the threat posed by drones at correctional facilities, BOP has worked with the Department and with the Federal Aviation Administration (FAA) to restrict the airspace over all its secure facilities. Additionally, BOP has deployed drone detection technology at its high-risk facilities where the threat posed by drone-introduced contraband is high.

Following drone detections and interdictions, BOP works closely with other Federal, state, local, Tribal, and territorial law enforcement located around BOP facilities to investigate and prosecute drone contraband deliveries. For example, in November 2022, following a joint investigation by the FBI, BOP, the Jefferson County Sheriff's Office, and the FAA, a man pleaded guilty in the U.S. District Court for the Eastern District of Texas to owning or operating an unregistered drone earlier that year.[1] He had intended to use the drone to drop contraband, including tobacco, cell phones, cell phone chargers, various tools, vape pens, and other items, into Federal Correctional Complex Beaumont.

As another example, following a joint investigation by the Department of Transportation Office of Inspector General, FBI, BOP, and Fort Worth Police Department, and with assistance from the FAA and the Dallas Police Department, on April 6, 2023, a Texas man was sentenced to 41 months of incarceration for flying a drone loaded with contraband, including methamphetamine, cell phones, MP3 players, pressed THC, and tobacco, into the Federal Medical Center Fort Worth, a Federal correctional center.[2]

In June of 2023, with assistance from BOP's Office of Security Technology, the Department's National Institute of Justice published a series of reports for prison and jail leaders and staff concerning the threat of contraband delivery via drones into correctional facilities. The report is publicly available here: https://nij.ojp.gov/topics/articles/addressing-contraband-prisons-and-jails-threat-drone-deliveries-grows.

Congress could enact the Administration's durable, multi-year reauthorization and expansion of Counter-Unmanned Aircraft Systems (C–UAS) authority to allow, in addition to BOP, state law enforcement to use drone detection and mitigation technology without being subject to liability under Federal criminal laws. Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2023 (S. 1631 and H.R. 4333) represents bipartisan solutions that expand the authority, coupled with coordination requirements with the FAA, to ensure the continued safety of the National Airspace System and meaningful enhanced protections for privacy, civil rights, and civil liberties.

QUESTIONS SUBMITTED BY SENATOR JOHN KENNEDY

Question 1. On November 18, 2022, you appointed Jack Smith to be special counsel to oversee the Department of Justice's criminal investigations into former President Donald Trump. Before or after that appointment, have you made or given any suggestion, insinuation, encouragement, or advice (in any form) to Jack Smith, Jack Smith's staff, or anyone else at the Department of Justice to the effect that President Trump could or should be prosecuted before the 2024 presidential election? If so, please provide full details.

Question 2. A March 22, 2024, article published by the New York Times ("Inside Garland's Effort to Prosecute Trump") describes President Trump's decision to announce his 2024 presidential campaign on November 15, 2022, and your decision to appoint Jack Smith to be special counsel on November 18, 2022. According to the

[1] Press Release, United States Attorney's Office for the Eastern District of Texas, Houston Man Guilty of Attempting to Use Drone to Drop Contraband into Beaumont, Federal Prison Complex, (Nov. 8, 2022), https://www.justice.gov/usao-edtx/pr/houston-man-guilty-attempting-use-drone-drop-contraband-beaumont-Federal-prison-complex.

[2] Press Release, United States Attorney's Office for the Northern District of Texas, Texas Man Pleads Guilty to Delivering Contraband to Prison via Drone, (Oct. 6 2022), https://www.justice.gov/usao-ndtx/pr/texas-man-pleads-guilty-delivering-contraband-prison-drone.

article, a "few weeks before" this decision, Jack Smith visited your office and was asked "how quickly he could start." To the best of your knowledge, during this meeting or any other meeting with Jack Smith, did you or anyone in your office suggest, insinuate, encourage, or advise (in any form) Jack Smith, Jack Smith's staff, or anyone else at the Department of Justice to the effect that President Trump could or should be prosecuted before the 2024 presidential election? If so, please provide full details.

Question 3. To the best of your knowledge, has anyone at the White House or the Department of Justice suggested, insinuated, encouraged, or advised (in any form) you, one of your associates, Jack Smith, or Jack Smith's staff to the effect that President Trump could or should be prosecuted before the 2024 presidential election? If so, please provide full details.

Question 4. On November 9, 2022, President Biden—speaking at a White House press conference—was asked how Biden would "reassure [G7 nations] . . . that the former President will not return or that his political movement, which is still strong, will not once again take power in the United States?" President Biden responded: "Well, we just have to demonstrate that he will not take power . . . if he does run. *I'm making sure he, under legitimate efforts of our Constitution, does not become the next President again.*" (Emphasis added.) About one week later, you appointed Special Counsel Jack Smith to oversee the Department of Justice's criminal investigations into former President Donald Trump. To the best of your knowledge, has President Biden or any other White House officials (or associates or agents of the president) ever made or communicated or given any suggestion, insinuation, encouragement, or advice (in any form) to you or anyone else at the Department of Justice to the effect that President Trump could or should be prosecuted before the 2024 presidential election? If so, please provide full details.

Question 5. To the best of your knowledge, has any individual or entity within the Department of Justice made or given any suggestion, insinuation, encouragement, or advice (of any form) to Jack Smith, Jack Smith's office, or anyone else at the Department of Justice to the effect that President Trump could or should be prosecuted before the 2024 presidential election? If so, please provide full details.

Answers to Questions 1–5. The Department makes decisions based on the facts and the law. Politics played no part in my decision to appoint Jack Smith as Special Counsel. The decision to appoint Special Counsel Smith in this matter underscores the Department's commitment to conducting our work independently and ensuring the integrity of investigations and prosecutions. The Department's policies and longstanding practices, such as the Principles of Federal Prosecution, guide the timing of investigative steps and filing charges. Under the Department's Special Counsel regulations, the Special Counsel's Office is required to comply with Department rules, regulations, procedures, and policies. Once charges are filed in court, the timing of the case is determined pursuant to judicial proceedings.

Question 6. The Department of Justice's Justice Manual says that "Federal prosecutors and agents may never make a decision regarding an investigation or prosecution, or select the timing of investigative steps or criminal charges, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party." § 9–27.260. If a special counsel sought to file charges, recommended a trial date, or otherwise sought a prosecution or litigation timeline in order to advantage or disadvantage a presidential candidate, would any of those actions violate § 9–27.260 or any other provision of the Justice Manual?

Question 7. Department of Justice's Justice Manual says: "Federal prosecutors and agents may never select the timing of any action, including investigative steps, criminal charges, or statements, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose is inconsistent with the Department's mission and with the Principles of Federal Prosecution." § 9–85.500. If a special counsel sought to file charges, recommended a trial date, or otherwise sought a prosecution or litigation timeline in order to advantage or disadvantage a presidential candidate, would any of those actions violate § 9–85.500 or any other provision of the Justice Manual? If so, please explain which it would potentially violate and why. If not, please explain why not.

Answers to Questions 6–7. The Department speaks through its filings, including matters involving special counsels. The Department's policies and longstanding practices, such as the Principles of Federal Prosecution, guide the timing of investigative steps and filing charges. Under the Department's Special Counsel regulations, the Special Counsel's Office is required to comply with Department rules, regulations, procedures, and policies, which includes the Justice Manual. Once charges

are filed with the court, the timing of the case is determined by the judicial proceedings.

Question 8. On October 5, 2023, President Trump filed a motion to dismiss the criminal prosecution against him in the U.S. District Court for the District of Columbia, claiming presidential immunity from prosecution for official actions taken as President. On December 1, 2023, the district judge denied that motion. Jack Smith eventually petitioned the U.S. Supreme Court to review President Trump's claim of presidential immunity, saying: "It is of *imperative importance* that [President Trump's] claims of immunity be resolved *by this Court* and that [President Trump's] trial proceed as promptly as possible if his claim of immunity is rejected." (Emphasis added.) The Supreme Court denied that petition. And after the U.S. Court of Appeals for the D.C. Circuit affirmed the district court, President Trump asked the Supreme Court to review its decision.

Despite just 2 months before saying it was of "imperative importance that [President Trump's] immunity claims be resolved by this Court," Smith now asked the Supreme Court to deny President Trump's petition or, if the Court took the case, to schedule it on an "expedited" briefing schedule. Assuming it is true that these instances represent actions taken by Special Counsel Jack Smith to increase the odds that President Trump is tried before the 2024 election, would that violate any provision of the Justice Manual or other Department of Justice rules, regulations, or guidance? If so, please explain which it would potentially violate and why. If not, please explain why not.

Question 9. On December 16, 2023, Elie Honig, a senior legal analyst at CNN, said on air that "any fair-minded observer has to agree" that Special Counsel Jack Smith is "acting based on the election schedule" and that "the motivating principle behind every procedural request [Jack Smith has] made . . . has been getting this trial in before the election." Do you agree that Special Counsel Jack Smith is making prosecution or litigation decisions in order to try President Trump before the 2024 presidential election? Please explain why or why not.

Question 10. In a December 12, 2023, column for the Washington Post ("Politics are now clearly shaping Jack Smith's Trump prosecution"), Jason Willick says that "Smith has all but announced that his prosecution timeline is controlled by the 2024 general election." Do you believe that Jack Smith is basing his "prosecution timeline" on the 2024 presidential election? Please explain why or why not.

Answers to Questions 8–10. The Department speaks through its filings, including in this matter. The Special Counsel Office's filings explain their arguments for their motions. Everything the Special Counsel does is subject to the Department's rules, regulations, procedures, practices, and policies of the Department of Justice. The Special Counsel regulations require the Special Counsel to comply with the rules and policies of the Department, which includes the Justice Manual. The Department policies and longstanding practices guide the timing of taking investigative steps and filing charges. Once charges are filed with the court, the timing of the case is determined by the judicial proceedings.

The Special Counsel sought a speedy trial, and his reasons for doing so are set forth in public filings. The district court handling this matter will decide speedy-trial questions in that matter.

Question 11. Please describe how the Department of Justice implements or enforces the Justice Manual to ensure or hold accountable prosecutors (including special counsels) that make "a decision regarding [a] . . . prosecution . . . for the purpose of affecting [an] election, or for the purpose of giving an advantage or disadvantage to any candidate or political party" or otherwise seek to advantage or disadvantage a political candidate?

Question 12. Please describe what disciplinary measures, procedures, or avenues are available to the Department of Justice to ensure that prosecutors (including special counsels) do not make "a decision regarding [a] . . . prosecution . . . for the purpose of affecting [an] election, or for the purpose of giving an advantage or disadvantage to any candidate or political party" or otherwise violate § 9–27.260, § 9–85.500, or a similar provision?

Question 13. To the best of your knowledge, please describe in full detail what actions you, or another entity or individual at the Department of Justice, have taken to ensure that Special Counsel Jack Smith is not violating or has not violated § 9–27.260, § 9–85.500, or a similar provision of the Justice Manual or other Department of Justice rules, regulations, or guidance in his prosecution of President Trump?

Answers to Questions 11–13. The Special Counsel is an employee of the Department. The Special Counsel regulations require the Special Counsel to comply with the rules and policies of the Department, which include the Justice Manual. The regulations also include provisions governing the conduct and accountability of the Special Counsel. 28 C.F.R. § 600.7.

QUESTIONS SUBMITTED BY SENATOR DEB FISCHER

Question 1. The Department's $40 million budget request for the Regional Information Sharing Systems (RISS) Program in FY 2025 reflects a $4 million decrease compared to the FY 2024 enacted level.

—Following up on our discussion during the hearing, why did the Department find reduced need for the RISS Program, specifically, for FY 2025?

Answer. The Department's Office of Justice Programs (OJP) advises as follows:

The Regional Information Sharing Systems (RISS) Program is an important tool to allow Federal, state, local, and Tribal law enforcement agencies throughout the country to be connected through secure information sharing. The FY 2025 President's Budget funding request is consistent with historical funding requests for the RISS Program and the constraints of the Fiscal Responsibility Act.

Question 2. As you know, the situation is dire at America's borders—there have been over 9 million illegal border crossings since President Biden took office. Every state is now a border state. Currently, the Justice Department's State Criminal Alien Assistance Program is one of the few resources that helps fund the costs that state and local prisons are shouldering to incarcerate illegal immigrants who have committed serious crimes. However, the president has proposed to cut funding for this program entirely, citing duplication.

—Which other program(s) fills this gap?

Answer. The Department's Office of Justice Programs (OJP) advises that its Bureau of Justice Assistance administers the Edward Byrne Memorial Justice Assistance Grant (JAG) program, which provides state and local jurisdictions with broad flexibility to support a wide range of state and local law enforcement, corrections, and other criminal justice activities, including most correctional costs that are allowable under SCAAP.

—Several Nebraska counties use this funding. If the program is cut, could you guarantee that other programming meets the current needs of the states and localities that use this program?

Answer. The Department's Office of Justice Programs (OJP) advises that its funding is subject to appropriations, and thus OJP cannot guarantee the availability of programming or resources.

—Have you conducted analysis or estimated how much it is costing state and local prisons to incarcerate illegal aliens who have committed crimes with the rates we are seeing right now? If so, please provide this information.

Answer. The Department's Office of Justice Programs (OJP) advises that the U.S. Census Bureau maintains data based on expenditures and employee counts from state and local governments. OJP's Bureau of Justice Statistics extracts justice expenditures, including corrections expenditures, and employment data from the U.S. Census Bureau and makes it available through the Justice Expenditure and Employment Tool (JEET).

Question 3. In the Department's FY 2025 budget request, I noticed that the president also wants to increase mandatory spending by a total of $4.4 billion dollars to create a broadly described Gun Crime Prevention Strategic Fund. Your budget request identified this project as part of President Biden's 'Safer America Plan.'

—Specifically, what would this "strategic fund" do?

Answer. The Department's Office of Justice Programs (OJP) advises as follows: Through a five-year mandatory program funded at $884 million annually, the Gun Crime Prevention Strategic Fund ("Fund") would provide grants to support police and prosecutors and provide an infusion of resources to enhance law enforcement access to promising technology and evidence-based training. Funding would also help modernize the recruitment and retention of a 21st century law enforcement workforce. The Fund would provide communities with resources they need to set up and support task forces to reduce homicide and gun violence and improve violent

crime clearance rates. With support from the Fund, state, local and Tribal law enforcement, and prosecution authorities will be able to work together through these task forces and other initiatives to enhance public safety and public trust.

The Fund would:

—Provide resources to recruit and retain dedicated and talented police officers. This includes supporting agencies in developing flexible employment opportunities to meet the needs of a 21st century workforce and expanding mental health and wellness care for police officers.

—Support police officers with high-quality training. This includes investments in modernizing and advancing police academies and developing evidence-informed training programs and comprehensive detective and investigative training modules for law enforcement and prosecutor offices.

—Invest in technology, innovations, and collaborative efforts to reduce violence, improve gun crime investigations, and increase violent crime clearance rates. This includes investing in team-based local taskforces, supporting the hiring of local prosecutors and professional staff, expanding Crime Gun Intelligence Center (CGIC) sites and the National Public Safety Partnership, establishing a National Crime Analysis Center, and other violent crime reduction strategies.

—Advance knowledge of best practices, collaboration and coordination strategies, and the continued development of evidence-based tools and products to drive measurable reductions in violent crime.

—Are there objectives, metrics, and guardrails that you have structured around this strategy?

Answer. The Department's Office of Justice Programs (OJP) advises as follows:

The program would be administered by OJP and would provide states and localities with dedicated resources to invest in law enforcement and violent crime reduction strategies. OJP has developed performance metrics applicable to each proposed program area, such as training curricula developed, criminal justice professionals trained, violent crime reduction capacity assessments conducted, recommendations implemented, and violent crime rates reduced in treated areas, etc. The Department stands ready to assist Congress in developing legislation to enact this proposal.

SUBCOMMITTEE RECESS

Senator SHAHEEN. Thank you very much. At this point I will close the hearing.

[Whereupon, at 11:32 a.m., Wednesday, April 17, was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

WEDNESDAY, MAY 15, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2:30 p.m., in room SD–192, Dirksen Senate Office Building, Hon. Jeanne Shaheen (Chair), presiding.

Present: Senators Shaheen, Murray, Reed, Coons, Schatz, Van Hollen, Merkley, Peters, Heinrich, Moran, Murkowski, Kennedy, Hagerty, Britt, and Fischer.

U.S. DEPARTMENT OF COMMERCE

OPENING STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. The Subcommittee on Commerce, Justice, Science, and Related Agencies will come to order.

Because we have the Secretary here, of course we have votes happening in the Senate. There are two votes. I think most of us have probably voted on the first one. We will take a break. We will continue the hearing and just take turns going to vote.

So today we are delighted to welcome Secretary Raimondo to review the President's fiscal year 2025 budget request. Madam Secretary, it is great to see you again. We have got a lot of Members signed up to be here, so I knew it was somebody important. So we are delighted.

The Department of Commerce's mission is to foster conditions for economic growth and opportunities for all communities. The President's 2025 request for the Department is $11.5 billion, which is a 6 percent increase compared to fiscal year 2024 enacted. Unfortunately, like last year, we will need to contend with the tight fiscal restraints of the Fiscal Responsibility Act. And make no mistake about it, from my perspective, those caps have very real and harmful consequences, and they affect our abilities to deliver for the American people, both on the part of the Committee and the Department.

Despite these headwinds, the subcommittee made targeted investments in fiscal year 2024. Those include funding for NOAA to support our fishing communities, funding for the Bureau of Industry and Security to enforce export controls, funding for NIST to establish an Artificial Intelligence Safety Institute, and funding for

NTIA to better serve States and territories in administering the Bipartisan Infrastructure Law Broadband programs.

Now, despite the harsh budget environment, we also continued to support EDA's Tech Hubs Program, which is one important way to better ensure the industries of the future and their good jobs start, grow, and remain in the United States.

And with that in mind, I would be remiss if I didn't mention the incredible work that is being done in Manchester, New Hampshire, by the ReGen Valley Tech Hub, through the Advanced Regenerative Manufacturing Institute. The Secretary has been there, I know, and we appreciate her interest in what is happening there.

But ReGen Valley embodies everything a tech hub should be. It is strong, it has regional collaboration, it has the potential to be a globally competitive center for innovation in biofabrication.

Now, in many ways, the President's 2025 request builds on the investments that this committee made in 2024. In particular, the budget proposes a $38 million increase for NIST's AI Safety Institute, and a $32 million increase to bolster the Bureau of Industry and Security's export control efforts that are directed at countries like Russia and the People's Republic of China.

However, in some ways, the budget represents a step back. I am especially concerned about the proposal to cut critical coastal programs like Sea Grant, IOOS, fisheries cooperative research, and the National Oceans and Coastal Security Fund, all of which help protect communities in New Hampshire and around the country from coastal hazards and drive our regional economies. And in a State that has the shortest coastline of any State in the U.S., we can't afford to do anything that is going to further reduce the length of our coastline.

So I know you had to make difficult choices because of the Fiscal Responsibility Act, and I do appreciate that you prioritized funding for the next generation of weather satellites, but the cuts to those ocean programs would really be devastating in New Hampshire, and in so many States around the country.

Now, zooming out from fiscal year 2025, it is worth stressing that Congress has given the Department tremendous responsibilities that extend beyond annual appropriations. Specifically, the Bipartisan Infrastructure Law tasked NTIA with connecting every American to high-speed, reliable, and affordable Internet, and the CHIPS Act tasks NIST with building a semiconductor supply chain and R&D ecosystem right here in the United States.

So these are monumental undertakings, and I know that we are all eager to hear how the Department is progressing on efforts to implement that legislation.

And finally, given that we have just finished Public Service Recognition Week, I think it is really important to thank the more than 40,000 Commerce employees for their work on behalf of the citizens of this country. Our job is to help ensure these public servants succeed. I know that is your interest as well, Madam Secretary, because doing that means American workers and our American businesses will thrive.

So again, thank you for being here, Madam Secretary. We very much look forward to your testimony.

And I will turn it over to my partner on this Committee, Senator Moran.

OPENING STATEMENT OF SENATOR JERRY MORAN

Senator MORAN. Senator Shaheen, Chair Shaheen, thank you, thank you for convening our hearing.

And Secretary Raimondo, I appreciate your presence here and I am interested in discussing with you the President's budget request for the U.S. Department of Commerce.

As I hope you know, I value the recent investments the Department has made in Kansas, including support for our advanced manufacturing, and aviation sectors, and equitably expanding high-speed Internet access across our State. I was pleased by the designation of Kansas City as a biotechnology Tech Hub, highlighting the concentration and expertise, and research capabilities' resources in the Kansas City region that is included in the Animal Health Corridor.

I have also appreciated the Department's responsiveness to this subcommittee's interest in making certain that the CHIPS Program is making investments in geographically diverse, smaller semiconductor companies. I look forward to hearing from you about what work remains for the Department to ensure the CHIPS Program successfully brings semiconductor manufacturing back to the United States in a way that supports our national and our economic security.

Discretionary budget, as the Chairman said, requests a proposed $11.4 billion—which is 642—6 percent above the enacted amount from last year. This budget also requests an additional $4 billion in mandatory funding for EDA's Regional Tech Hub Program. The budget also proposes to cut successful programs that have widespread congressional support.

The Department of Commerce has made investments to advance our Nation's technological and manufacturing capacity, and we must make certain that through the appropriation process, even those that are so hugely important to our country and its future, we have to live within our fiscal, responsibilities. Given those FRA caps, I suspect, as the Chairman said, we are probably back in a similar position to where we were last year.

The President's budget requests additional resources for a variety of new and expanded programs which are well-intentioned but are not accompanied with any offsetting costs in any other, perhaps well-intentioned programs.

If there are fewer resources available to confront China, that would be a significant challenge, I believe, for our country, and something that I have great concern about. I need to see that we have—in confronting China, that we have effective export controls and that we safeguard our intellectual property. I know that is something that you support, and I appreciate that.

I also highlight support for weather laboratories and hydrological forecasts that are important to farmers and ranchers, in fact, agriculture across in my State, but agriculture across the country. I always worry about regulations. We need to support common-sense rules that protect our domestic industries. Even well-intentioned regulations often have unexpected consequences, so we need to

have a fair and open mind when crafting rules that impact U.S. jobs.

Madam Secretary, I look forward to continuing our positive working relationship. I hope that the final appropriation product will be fiscally responsible while safeguarding our supply chain. As I say this, I smile; we want to have this, a balanced budget, we want to have these programs that are important to the country, and it is a challenge that we face, but we need a fiscally responsible product while safeguarding our supply chains, combating nefarious foreign actors, and advancing our national and economic security. And I again, thank you for being here today.

Senator SHAHEEN. Thank you, Senator Moran.

Secretary Raimondo, the floor is yours.

STATEMENT OF HON. GINA M. RAIMONDO, SECRETARY, DEPARTMENT OF COMMERCE

Secretary RAIMONDO. Yes. Good afternoon. And thank you for having me. And thank you, both Chair and Ranking Member, I have appreciated the collaboration and partnership that we have had. And to all the Members of the Subcommittee, thank you for this opportunity to be with you to, to discuss President Biden's fiscal 2025 budget request for the Department of Commerce.

As Senator Shaheen said, the Commerce Department has continued to implement major initiatives authored by Congress through the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and the CHIPS and Science Act, and thanks to these laws, and the funding you have provided, we are tackling our Nation's most pressing economic and national security priorities, and I would argue doing more than any Commerce Department has done in the past, so I want to thank you for that.

As Senator Moran said, the budget requests $11.4 billion in discretionary funding and $4 billion in mandatory funding for fiscal year 2025. And I am here to ask you to support that funding and am happy to take your questions and get into the details.

I would just like to highlight a few of our priorities: First, the budget positions America to prevent China and other countries from obtaining U.S. technology, U.S. capital, and U.S. expertise for their activities that would threaten our national security. To that end, the budget requests a total of $223 million, which is a $32 million increase for BIS to expand our export control enforcement. That budget has been flatlined for 2 years, and so we are respectfully requesting an increase so we can protect our technology from getting into the hands of China's Military.

Second, the budget promotes America's technological leadership and responsible innovation in artificial intelligence. To that end, the budget requests an additional $61.6 million for research and development, to develop the safety standards and evaluation for AI. These funds will empower NIST to implement central components of President Biden's executive order on AI, including establishing with $30 million the AI Safety Institute, which I know a number of you are focused on.

The budget also funds a new AI, an Emerging Technologies Policy Lab at NTIA to assess the impacts of AI technology and develop policy recommendations.

The budget also supports resilient supply chains. We need to go from being purely reactive to supply chain disruptions to being more proactive, to predict disruptions to supply chains before they happen. To that end, the budget includes an increase of $12 million for ITA to support supply chain resiliency and the continued work of our newly created Supply Chain Office. It also includes $37 million for NIST's Manufacturing USA Program and $175 million for NIST's Manufacturing Extension Partnership.

The budget also provides resources to strengthen our relationships with our allies to advance our shared values and shape the strategic environment in which China operates. To out-compete China, we need to show up in the rest of the world. Therefore, our budget includes $379 million for ITA to expand U.S. exports and services that will help U.S. businesses to grow and expand in foreign markets.

The budget also invests in good jobs and equitable growth. The budget requests $4 billion in mandatory funding and $523 million in discretionary funding for EDA to execute on the objectives of the Tech Hub's program, which both of you mentioned, and to build out the Good Jobs Challenge, Commerce's signature Job Training Initiative, and to foster geographic diversity in innovation. Excuse me.

Additionally, the budget invests $80 million in MBDA to bolster the services it provides to socially and economically disadvantaged business enterprises through a network of 131 centers around the country that serve every State and territory in the U.S. Importantly, the budget prioritizes investments to address climate change, specifically the budget includes $6.5 billion for NOAA, including $2.1 billion for the Nation's weather and climate satellites, $1.4 billion for the National Weather Service, and $212 million for climate research. It provides $53 million to expand offshore wind permitting, and $86 million to support the national marine sanctuaries and marine protected areas.

Finally, the budget invests in our fundamental science infrastructure. It invests over $400 million in research infrastructure at NIST, and NOAA, and NTIA. This includes funds for maintenance, renovations, and improvements on NIST campuses, which I would invite any of you to come visit, and you will see readily how desperately we need the capital for this maintenance.

It is a tough budget, as has been said. We were faced with difficult decisions, and so we had to prioritize. We prioritize in capital and investments that we think are the most essential to meet our mission, and quite frankly to save lives, and protect lives in America.

So in closing, I would say that everything we do at the Commerce Department is focused on strengthening America's competitiveness at home and abroad so that American workers, and families, and businesses of all sizes in every State can participate and prosper in the 21st-century global economy.

And I am here, because I need your support. I want to work with you. I need your support to ensure that our resources enable us to meet the mission of creating the conditions for economic growth and opportunity for all communities in every State in America.

So I look forward to talking to you now. And of course, even more importantly, I look forward to continuing to work with you as we do this work together.

[The statement follows:]

PREPARED STATEMENT OF SECRETARY GINA M. RAIMONDO

Chair Shaheen, Ranking Member Moran, and members of the Subcommittee, thank you for this opportunity to discuss President Biden's Fiscal Year (FY) 2025 Budget Request for the U.S. Department of Commerce.

Since I appeared before this Subcommittee last year, the Commerce Department has continued to implement major initiatives authorized by Congress through the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and the CHIPS and Science Act. Thanks to these laws and the funding you have supported through the appropriations process—most recently the Consolidated Appropriations Act for FY24—the Commerce Department continues to tackle our nation's most pressing economic and national security priorities, including those related to emerging technologies, supply chains, manufacturing, innovation, and workforce.

The President's Budget requests $11.4 billion in discretionary funding and $4 billion in mandatory funding for the Department of Commerce in FY25. I'm here today to ask you to support that funding so we can continue fulfilling the Department's mission to create the conditions for economic growth and opportunity for all communities.

Today, I will focus on eight key areas of investment within the Department of Commerce.

First, the President's Budget positions America to ensure U.S. technologies, capital, and expertise are not misappropriated in ways that harm national security or foreign policy.

In order to prevent American and allied technologies from being exploited by countries and entities of concern to undermine our national security, we have been working to modernize and strengthen our export controls. We need new investments to meet new challenges such as the People's Republic of China's (PRC) continued efforts at illicit technology transfer to its military through its policy of military-civil fusion (MCF), Russia's ongoing aggression against Ukraine, and rapid advancements in technology broadly. To protect America against these challenges, the Budget includes $223 million for the Bureau of Industry and Security (BIS) to expand export enforcement, bolster capacity to identify and protect sensitive technologies, evaluate the effectiveness of existing export controls and update when needed, and increase regional expertise to enhance cooperation on export controls with allies and partners.

The Budget also requests $5 million for the International Trade Administration (ITA) to address risks arising from outbound investments from the United States into sensitive technologies that could enhance the technological capabilities of the PRC and other countries of concern in ways that threaten U.S. national security.

The Department also contributes to the examination of inbound investment through its participation in the Committee on Foreign Investment in the United States (CFIUS). The Budget includes $5.3 million to support CFIUS reviews.

Second, the President's Budget promotes leadership and responsible innovation in Artificial Intelligence (AI).

AI holds extraordinary potential for both promise and peril. Harnessing AI for good requires mitigating its risks. The Budget invests an additional $62.1 million at Commerce to safeguard, regulate, and promote AI, including protecting the American public against its societal risks. This funding will allow the Department to implement central components of Executive Order 14110, "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence." Central to the Department's efforts, the National Institute of Standards and Technology (NIST) will fund the creation of guidelines, tools, benchmarks, and best practices for evaluating and mitigating AI risk, including increased funding for the U.S. AI Safety Institute's work to ensure needed testing, evaluation and red teaming of advanced AI to identify and mitigate potentially dangerous capabilities and realize the goals of the AI EO.

The new AI investments includes funding to establish a new AI and Emerging Technologies Policy Lab at the National Telecommunications and Information Administration (NTIA) to drive innovation and policy development.

The new AI investments also include $8.9 million for BIS to implement mandatory reporting requirements under the Defense Production Act regarding domestic

AI developers and compute providers so we can better understand who is developing frontier AI models and the results of safety tests on those models, and second, for Infrastructure-as-a-Service (IaaS) providers to report when foreign entities are using U.S. cloud to train frontier AI models. These funds would be used to hire additional staff for these programs.

Third, the President's Budget supports resilient supply chains to foster economic prosperity and protect national security.

The Budget includes an increase of $12 million within ITA to support supply chain resiliency, which is critical to our national security and economic competitiveness. The additional funding will expand the Supply Chain Center and provide for new industry-specific analysts to identify and assess economic and national security risks to supply chains, as well as develop strategies that the Federal Government can take to mitigate those risks.

The Budget also includes $37 million for the NIST's Manufacturing USA program to help secure U.S. global leadership in advanced manufacturing by continuing its large-scale public-private collaborations on technology, supply chain, and workforce development.

Additionally, the Budget includes $175 million for NIST's Manufacturing Extension Partnership (MEP), a public-private partnership with centers in every state that offer advisory services to a diverse set of small and medium enterprises. MEP Centers will continue efforts to coordinate with private sector manufacturers to narrow gaps in key product supply chains and support the adoption of critical technologies to make U.S. manufacturers more resilient to global market disruptions.

Fourth, the President's Budget provides resources to enable the U.S. to continue partnering with our allies to advance our shared values and shape the global strategic environment in which China operates.

ITA's Global Markets business unit ensures that U.S. businesses and their workers have a robust advocate helping them identify business opportunities globally, overcome the challenges they face abroad, and address unfair foreign trade practices. The Budget includes $379 million for Global Markets, including a restructuring of its global footprint to focus on the highest priority markets, and a request for $4 million and 13 positions to support U.S. export competitiveness in strategic markets that enhance our ability to respond to global threats and counter unfair trade practices and economic coercion by China. The Budget reflects our view that in order to compete effectively, we must show up in regions around the world where the PRC is exerting its influence, even as the United States remains the partner of choice.

The Indo-Pacific Economic Framework for Prosperity (IPEF) is a proactive model for economic cooperation that seeks to reestablish U.S. leadership and competitiveness in a critical region. The Budget continues to support ITA's engagement with the 13 IPEF partners in areas including strengthening supply chain resilience, facilitating and capturing the economic opportunities as IPEF partners transition to clean economies, and improving the business environment by strengthening anti-corruption efforts and the efficiency of tax administration. The Budget builds on the success gained from the entry into force of the Supply Chain Pillar and the substantially concluded negotiations over the Clean Economy and Fair Economy Pillars, which were completed in record time.

Additionally, the Budget provides the U.S. Patent and Trademark Office (USPTO) with $4.6 billion in budget authority, which will enable USPTO to continue granting patents, registering trademarks, and protecting American intellectual property worldwide.

Fifth, the President's Budget invests in programs that promote access to good jobs and equitable growth.

The Budget requests $4 billion in mandatory funding and $523 million in discretionary funding for the Economic Development Administration (EDA) to promote innovation and competitiveness and prepare American regions for growth and success in the worldwide economy.

The $4 billion in mandatory funding, coupled with $41 million of discretionary funding, would enable EDA to execute on the objectives of the Regional Technology and Innovation Hub Program (Tech Hubs Program), as authorized under the Research and Development, Competition, and Innovation Act, and establish cutting-edge, strategic regional technology and innovation hubs that foster geographic diversity in innovation and create quality jobs in underserved and vulnerable communities.

Within this funding, the Budget also invests in two EDA programs which recognize that workforce development and economic development are inseparable. First,

the Budget requests $41 million for the Good Jobs Challenge to fund employer-led workforce training systems and partnerships to train and place American workers into high-quality jobs and support regional economies. EDA ran the first iteration of the Good Jobs Challenge using funds from the American Rescue Plan and received over 500 applications for 32 one-time grants. This additional funding will allow EDA to continue to address this demonstrated nationwide need.

Second, the Budget requests $41 million for the Recompete Pilot Program to provide grants to distressed communities and connect workers to good jobs that support long-term comprehensive economic development by helping to reduce high prime-age (25 to 54 years of age) employment gaps.

The Budget also requests $5 million for grants focused on the economic development needs of tribal governments and indigenous communities. This proposal would provide resources to address a long unmet need within Indigenous communities that have historically suffered from a lack of investment in core economic development need.

Additionally, the Budget invests $80 million in the Minority Business Development Agency, which will bolster the services it provides to socially and economically disadvantaged American business enterprises.

Finally, the Budget invests $75.6 million in our Office of Space Commerce to support the continued expansion of one of the fastest-growing sectors of our economy and to provide space situational awareness information that will protect U.S. industry operations.

Sixth, the President's Budget drives climate science, adaptation, and resilience efforts.

The Budget includes $6.5 billion for the National Oceanic and Atmospheric Administration (NOAA). It prioritizes operations, infrastructure, and continuing initiatives that provide the environmental intelligence necessary to make informed oceans, coastal, fisheries, weather, and climate decisions. The Budget is bolstered by funds previously provided by the Infrastructure Investment and Jobs Act and Inflation Reduction Act.

The Budget provides $2.1 billion for the nation's weather and climate satellites. FY25 funding will enable NOAA to maintain all current satellite programs by including $84 million for Geostationary Operational Environmental Satellites R Series (GOES–R), $342 million for Polar Weather Satellites, and $40 million for Space Weather Follow On.

The Budget also continues strategic investments in the next generation of climate, weather, and space weather satellites, including $798 million for Geostationary Extended Observations, $68 million for Low Earth Orbit Weather Satellites, and $237 million for Space Weather Next. These investments will deliver the information needed to address emerging environmental issues and challenges that threaten the security of our Nation.

The Budget further invests in NOAA's weather and climate enterprise, funding the National Weather Service (NWS) at $1.4 billion. At this level, the NWS will continue to operate and maintain 122 Weather Forecast Offices, 13 River Forecast Centers, 18 Weather Service Offices, and associated employee housing units, and 9 National Centers.

NOAA's Budget also includes $212 million for NOAA's climate research programs to support the ongoing work of the National Climate Assessment and continue high-priority long-term monitoring, researching, and modeling activities that are critical to understanding and addressing the climate crisis.

The Budget also includes $33.6 million, an additional $10 million, for Mitchell Act Hatcheries in the Columbia River Basin complementing the resources previously provided in the Inflation Reduction Act. These additional funds are part of the Administration's commitment to prioritize the restoration of healthy and abundant wild salmon, steelhead, and other native fish populations to the Columbia River Basin, and honor the United States' obligations to tribal nations.

The Budget also invests in expanding offshore wind energy while conserving and protecting high-priority natural resources. The Budget provides NOAA $53 million to expand offshore wind development. This funding will enable NOAA to use the best available science to help support the goal of deploying 30 gigawatts of offshore wind energy by 2030 while protecting biodiversity and promoting sustainable ocean co-use. It also provides $86 million to support National Marine Sanctuaries and Marine Protected Areas as part of the Administration's America the Beautiful initiative. With this funding NOAA will enhance it's capacity to expand critical conservation work and support the designation process for additional sanctuaries.

Additionally, the Budget provides the Office of Marine and Aviation Operations (OMAO) $533.6 million, a net increase of $90.2 million above FY24 Enacted. This

includes increases across Marine Operations and Maintenance, Aviation Operations and Aircraft Services, and NOAA Commissioned Officer Corps. OMAO's budget also includes $21 million to finalize a second specialized high-altitude G–550 Hurricane Hunter to meet national needs.

Seventh, the President's Budget enables the Department to provide the data that leaders in communities, industry, and government need to drive U.S. competitiveness, innovation, and job growth.

The Budget provides the Census Bureau $1.6 billion, including $399 million to prepare for the 2030 Census, $256 million for the American Community Survey, and $158 million for the Economic Census. FY25 funding will enable the Census Bureau to continue to transform from a survey-centric organization to a data-centric organization that blends survey data with administrative and alternative digital data sources, providing more timely and relevant data products to stakeholders and the public.

The Budget will also enable the Census Bureau to invest in economic statistics for Puerto Rico, and improve data methods and quality, hone crosscutting research techniques and provide common technology for data collection, processing, and dissemination across the bureau.

The Budget provides $138.5 million for the Bureau of Economic Analysis to support economic statistics, including research on environmental-economic statistics.

Finally, the President's Budget invests in the fundamental infrastructure that makes science possible and the oversight that protects the American taxpayer.

The Budget invests over $400 million in fundamental research infrastructure at NIST, NOAA and NTIA. NIST's mission to advance measurement science requires cutting-edge equipment and best in class facilities; however, approximately 63% of NIST research facilities are in poor or critical condition. NIST's failing infrastructure results in an estimated 30–40% increase researcher downtime annually. NIST's world-class scientists cannot continue to do the scientific research necessary to ensure tomorrow's competitiveness in yesterday's crumbling facilities. Therefore, the Budget includes $311.5 million for construction and major renovations at NIST research campuses.

The Budget includes $90 million for NOAA to continue addressing deferred maintenance and other construction requirements and $75 million for the continued recapitalization of NOAA's aging marine fleet.

The Budget includes $2 million to maintain the Table Mountain Field Site and Radio Quiet Zone. Table Mountain is the only Radio Quiet Zone available for research and development of new spectrum-dependent technologies and comprises 1,700 acres with 12 research buildings.

It is critical that the Department maintain sufficient oversight of Federal grants to identify potential inefficient, ineffective, or misused funding. The Budget requests $85.9 million, a $17.9 million increase above the FY24 Enacted level, for EDA's Salaries and Expenses. This increase will support 58 additional positions to help oversee EDA's grant portfolio, which has increased more than eight-fold since 2017.

The Department of Commerce is a dynamic agency charged with administering a wide portfolio of government programs; everything from conducting the decennial Census to administering and enforcing export controls.

However, the Department's work is unified by a common theme of promoting America's competitiveness, and the ability for all American workers, families, and businesses to participate and succeed in the 21st century global economy. The investments I have just outlined are consistent with that theme, and they are all vital to fulfilling our mission of creating the conditions for economic growth and opportunity for all communities.

Thank you for inviting me to appear today. I look forward to continuing to work with you, and I am happy to answer your questions.

Senator SHAHEEN. Thank you very much, Madam Secretary.

We will begin our rounds of questioning. Senator Moran and I will begin. And we are going to take Members in order of arrival. And because we expect to have a number of senators here, I would urge, everyone to try and stick within the five-minute round of questioning.

So Secretary Raimondo, last year NTIA announced State allocations for the BEAD Program. BEAD, as we know, was enacted as part of the Bipartisan Infrastructure Law. We had a number of

late-night conversations talking about how to structure this in a way that made sense that could get through the Congress. It has provided $42 billion for the program in the Infrastructure Law.

Now, by December of last year, all States submitted their initial proposals detailing how they plan to spend their BEAD allocation to deliver high-speed Internet access to everyone who is not served. So can you just give us an update on how this is going? How are the reviews of State plans doing? Are some States drawing down funds from their allocations already? And what is the status?

Secretary RAIMONDO. Yes, thank you. So this is a, as you said, this is an unbelievable program. We have never done anything like this before. In the past, when Congress allocates money to do broadband build-outs, it is very targeted in a particular area. My job now is to connect every American. It is a historic opportunity, and we are taking it seriously.

Where are we? Every State has received a planning grant, and they are all hard at work doing that. The way we have structured the program is that each State has to provide us with their plan. You know, Louisiana is different than Kansas, different than New Hampshire. We want to meet the needs working with your governors to do that. New Hampshire has just shy of $200 million. You have had your first volume, approved, and we are now working with the Governor and the team to approve the second volume.

A handful of States, including Louisiana, have gone fully through the process, have had their full approval, and are about to receive their money. The rest of the—my job is to get this all—my goal is to get this all done by the end of this year, every State, if not sooner. I am pushing the team really hard to make sure we are working collaboratively with States so that every State has their plan approved, and we start to get the money out this year.

And I guess I will just leave it at that. It is complicated because we can't do rate regulation, but we have to have an affordable plan. Rural communities, we are determined to make sure everybody is covered. So I meet with the team every week. We go through State by State, and it is just execution.

Senator SHAHEEN. Well, thank you. And as you know, there is a lot of anticipation throughout the country, and we see it in our State from communities, particularly in rural areas, where they have not had access to high-speed Internet, and they are really looking forward to it.

But one of the challenges we have is that it needs to be affordable also. People need to be able to connect, and we have a program, the American Connectivity Program, which is not run by the Commerce Department, as you know, but is expiring, and it is going to mean that there are a number of folks who, even when they may have access to the Internet, are not going to be able to afford it.

Can you speak to the importance of Congress acting to do the follow-on to the ACP Program so that we can actually make sure that households can get connected once the high-speed Internet is built out?

Secretary RAIMONDO. Yes, it is absolutely essential. I cannot underscore that enough. If you believe, as the President does, and as I do, that in today's day and age the Internet isn't a luxury, it is

a necessity, to see the doctor, collect benefits, do anything online, apply for a job, folks need it and deserve it in their home, in their office, in their school.

And quite frankly, $100 a month is not affordable. So if it is—and I pick that number, sometimes it is $200 a month. I have been all over America, in all of your States, I have talked to rural dwellers. They tell me: Hey, Secretary, I pay 200 bucks a month for satellite service, and when the weather is bad, it goes out. That is not meeting the mission. The legislation says "affordable and accessible".

Even if we were to get providers to provide it for, for example, $60 a month, $50 a month, that is still unaffordable for low-income Americans. So the $30 a month ACP Initiative is, is like life-saving, quite literally, and I cannot emphasize enough how important it is, for you to renew that program.

Senator SHAHEEN. Well, thank you. I certainly agree with that. And there is—there are several pieces of legislation that would do that. Hopefully, we can act on that before the end of this session.

Senator Moran.

Senator MORAN. Chair, thank you.

Madam Secretary, let me pick up on the topic that you and the Chair are talking, talking about. The law prohibits rate regulation, but you support affordability. How do those two things not clash with each other? We have had some complaints by stakeholders that you are pressuring States in regard to what they would call rate regulation. I assume under the—this is not intended to be majority—but the guise of affordability. How do you mesh the prohibition with the insistence that it be affordable?

Secretary RAIMONDO. So this, you know, the law, the statute says every State has to provide, a low-cost option, that is in the law. The statute also says, no rate regulation. So we are, we are doing the best to meet the intent of the law, which is, rate regulation would be, in my judgment: Kansas, you are not going to get approved unless you show us a $30 a month plan.

We are not doing that. We are decidedly not engaging in rate regulation. The law says we can't, and I won't, and I am on top of that.

That being said, I am also required to make sure every State has a low-cost option. So we are building in flexibility to work with the States, State by State, recognizing that in certain States that are very rural, it is more expensive to provide that. And it is, working with stakeholders, listening to governors, listening to people on the ground, to make sure that we find that balance between affordability, but not regulating.

And by the way, back to what Senator Shaheen was saying, the $30 a month ACP is essential for this because in a State like yours, which is highly rural, it is very expensive to lay fiber. Hypothetically, you know, I say like maybe $65, $70 is as low as it can go. That is very expensive for the average American family, and so the $30 a month support is essential. So anyway, a long-winded way of saying it is—that is the balance, and I talk to the governor, stakeholders, telecom providers every week to make sure we are striking the right balance.

Senator MORAN. The support that the various programs, in this case the BEAD Program provides, in this case to States, it subsidizes, it assists in the providing of the service, giving the incentive for companies to provide the service. It doesn't incentivize the $30 a month plan? That is a question, not a statement.

Secretary RAIMONDO. That is, yes.

Senator MORAN. That is true, right?

Secretary RAIMONDO. True, correct.

Senator MORAN. So it is a clash of competing goals.

Secretary RAIMONDO. We have to do both. We have to do both. It has to be accessible to everyone, and affordable.

Senator MORAN. Let me change topics. I am concerned about China. One of them, I think perhaps it is known, but but I would highlight the role that the U.S. Department of Commerce plays in our national security, our national economic security, our national defense. China is so aggressive in pursuing trade deals around the world. They always seem to be at our expense. China offers other nations better market access for their products and continues to build economic ties with critical partners and our potential adversaries.

What can the Department and ITA do to expand commercial services around the world? Again, China has offices everywhere. How are we competing with China?

Secretary RAIMONDO. You know, as I said in my opening testimony, we have asked for additional funds for $4 million additional increase for ITA to help us compete with China. We are asking for additional funds for more export promotion. In my tenure, I have launched several initiatives around export promotion, particularly helping small and medium-sized companies to do exports. We are launching new digital tools to help small companies with export promotion.

And that is, so we have to promote more, and we are doing more, and we are trying to focus it sector by sector, but also quite frankly, we need to do everything we can with countervailing duties and such to make sure that we have a level playing field so that China can't take advantage of, you know, U.S. businesses and workers.

Senator MORAN. So you are one of the few people that I know, that has negotiated with the Chinese, with the highest level of Government officials in China. Do you have any—can you tell us what potential exists for some kind of agreement with China to diminish the challenges we face, that they are presenting us? Is there a—is there a path forward that provides hope instead of just, adversarial relationships?

Secretary RAIMONDO. Yes. I am smiling because I have 15 seconds, and that is a tough one. Look, let me say——

Senator MORAN. I get another round.

Secretary RAIMONDO [continuing]. Let me say this. The President has directed us, I think very correctly, to never negotiate on national security. In fact, when I have met with my Chinese counterparts numerous times, the Premier and the Vice Premier, I have said, on matters of national security, we respectfully refuse to negotiate. And they have asked for us to, they have said, set boundaries around, tell us what is in and out of bounds. And I have said no, I can't, it changes based upon the threat assessment.

Having said that, the President has also directed us to deescalate, to communicate, and to, as he would say: Turn down the temperature.

So what I try to do, Senator, is promote where we can. For instance, I have started an export promotion initiative around health and beauty products. It has nothing to do with national security, creates jobs in the United States, keeps a line of communication open. We have to promote where we can, work with them where we can, zealously advocate for U.S. businesses, which I do because right now they mistreat many U.S. businesses. But never negotiate on national security. And I think that there is—my judgment is being practical, not fiery in the rhetoric, and just try to stand firm, but talk when and where we can.

Senator SHAHEEN. Thank you. Senator Schatz.

Senator SCHATZ. Thank you, Chair, and Ranking Member.

Thank you, Secretary. First, I want to talk to you about housing, and if you will permit me a windup here. This is one of the only areas where the government creates a shortage, and then sort of strokes its chin, wondering why there is not more of the thing that we all say we want. But it really is, restrictive zoning, covenants, minimum lot size, parking requirements, and all of that, that has contributed mightily to our housing shortage.

And as a Chair of Transportation and HUD, I want to fund all the programs, but the truth is there is not enough Federal funding in the world to deal with the throughput problem of States and counties making it almost impossible to build the thing that we say we all want.

And I think you have some pretty good news to report in the Commerce Department along those lines to try to make sure that when we think about economic development in a region, that housing is integral to a place, thriving, or in some instances, recovering. And I would like you to talk a little bit about what you are doing to kind of infuse a housing thought process into your economic development strategies.

Secretary RAIMONDO. Actually, that is a perfect way to say it. And as I have said to you, you have helped us to focus on the issue, and I appreciate that. To that end, with EDA, for example, now as a new matter of practice, when we are putting out our applications to applicants for local economic development, we are proactively asking them, for the first time to show us; what are their plans for housing, how would they, you know, think about using our grant for the economic development in a way that stimulates housing.

The same thing with CHIPS, the CHIPS applicants, I was recently out in Arizona. I mean, it is exciting because the amount of jobs we are going to be creating are tens upon tens of thousands, but we are asking the companies, how are you thinking about housing? Asking the governors and mayors, how are you thinking about housing?

So I think it is very much what you just said. You know, look, for what it is worth, I, as governor, I lived the local challenges, and it is exactly as you say. And a lot of those fights, if you will, have to be, whether it is zoning, or permitting, or density requirements, are done on a local level. But anyway, we are considering policies

that expand housing supply in everything that we do at EDA, and I think that is a great step forward.

Senator SCHATZ. That is great. And it is so logical that it seems like something that should have been done a long time ago. You can't have economic development without housing supply for the workers. If you are imagining an area expanding, it doesn't happen organically, it has to be planned, and permitted, and financed, and then constructed and then plugged into a grid and all the rest of it. So thank you for doing that. Please do as much, as you can in this area, and we will support you.

On a sort of less of a love-fest question here, the NOAA budget, as it is proposed by the President, does a fair amount of damage to oceans here. And a 45 percent cut to NOAA's Ocean Exploration Program, a 42 percent cut to NOAA's Coral Program, a 10.3 percent cut to Sea Grant, and zeroing out Senator Shaheen and White House's National Ocean Security Fund.

And I am just—I am trying to make sense of this, because I understand the constraints of the FRA, but these are disproportionate cuts in the ocean space, and I am wondering what the theory of the case is here.

Secretary RAIMONDO. The theory of the case is—I think those cuts stink, to be candid. But it is a really tough topline that we have had. So we had to go through it and say, what must we fund? And we chose to prioritize the weather satellites, which are quite expensive, $334 million additional for weather satellites to bring it to a total of 2 billion; because we know that our weather predictions are a matter of life and death, quite literally.

I will say, you know, look, I come from the Ocean State; these are tough cuts. We have—I have directed the Department, wherever possible, to use, infrastructure law monies and IRA monies to make up for these shortages. We would work with you, and Senator Shaheen, and the White House, to try to do our best to be creative. But in the face of difficult choices, that is how we chose to prioritize.

Senator SHAHEEN. Senator Kennedy.

Senator KENNEDY. Thank you, Madam Chair. Madam Secretary, welcome.

I want to talk for a moment about seafood. The American people love seafood. As you know, we consume about 7 billion pounds a year, 21 pounds for every man, woman, and child in our country. But do you happen to know what percentage of the seafood that we eat is imported?

Secretary RAIMONDO. I do not.

Senator KENNEDY. It is about 94 percent. Your agency is in charge of inspecting this imported seafood, as you know. Do you happen to know, what percentage of that 94 percent that we import is inspected by your agency?

Secretary RAIMONDO. I don't.

Senator KENNEDY. Yes, it is about 1 percent.

Secretary RAIMONDO. Yes, it is small.

Senator KENNEDY. And of that 1 percent that your agency inspects, it finds something wrong with about a third. Let us take crawfish from China, or shrimp from India, these countries com-

pete with American producers. These countries subsidize their seafood producers. We don't.

Secretary RAIMONDO. Yes.

Senator KENNEDY. These countries allow their producers to ignore quotas. These countries allow their producers to ignore where they are supposed to fish. But the worst thing these countries do, they don't abide by environmental regulations. They shoot their product full of antibiotics, if you eat enough shrimp from India, you will grow an extra ear.

[Laughter.]

Senator KENNEDY. They also engage in false advertising. No one needs an extra ear, Madam Secretary. For example, this is Chinese crawfish, because of the way they produce it, horrible, horrible environmental conditions, and because the Government subsidizes it, they can sell it for 8 bucks, this, where in America, it costs 14 bucks. But look how they do it; the Chinese call it "Boudreaux Brand of Crawfish Tail Meat, Wild Caught".

Senator KENNEDY. I don't know anybody in China named Boudreaux. Okay? Something has got to—something has got to be done, Madam Secretary. I mean, the people at your Seafood Import Monitoring Program are wonderful people.

Secretary RAIMONDO. Yes.

Senator KENNEDY. But all this product now is coming in, and it is harmful, and it costs us jobs. Would you share your thoughts with me?

Secretary RAIMONDO. Yes. So let me say a few things. First of all, I appreciate it. I really appreciate your comment, and it is clear we can do more, and I want to work with you to do more. We are extremely focused on transshipment of fish, you know, from China through Vietnam to the U.S., which is why we impose a countervailing duty on that. We are trying to add the duty wherever we can, even if it goes, you know, from China to another country, Malaysia, Vietnam, to the United States.

We are very focused on, illegal fishing, unregulated fishing, also mostly, done by China, very focused on that, working with CBP on that. But there is—so I share, like, I share the concern. It is unfair to American workers. It is unfair to American fisheries. It is unsafe, as you say.

Senator KENNEDY. And we don't need extra ears.

Secretary RAIMONDO. And we definitely don't need extra ears.

Senator KENNEDY. I mean, this stuff, this stuff is dangerous.

Secretary RAIMONDO. Yes, so we have to do more. And I will commit to doing more.

Senator KENNEDY. Last, last question. I want to follow up on my friend Senator Moran's questions. You are right that the Infrastructure Act says, your agency can't set broadband prices. But I keep getting reports that you are. For example, I am not going to tell you who gave this to me, but in Virginia, when you are negotiating the Virginia plan, your agency required Virginia to have a pre-set, or pre-determinable price certain as a condition to, to receive any BEAD funding.

So it sounds to me like at least in Virginia, the allegation is that your people are setting a price. And I keep hearing this in other States too.

Secretary RAIMONDO. We are not. And if you hear it, you should call me, because we are not. It is not what the law says, and we aren't doing it. Your State, by the way, has done a fantastic job and was, I think, the very first State to be approved, and will be the first State to get their money.

The fact of the matter is Alaska is very different than Louisiana. I can't say what is affordable and low cost in Alaska versus Louisiana. It is just—it is different, so we are allowing for flexibility, and we are working in an iterative fashion with States to make sure it is low cost, but we are not telling them what low cost is in their State, it is a balance. And like I said—I am pretty hands-on in this, and if you have concerns about these States, I am happy to talk to you.

Senator KENNEDY. Thank you.

Senator SHAHEEN. Thank you, Senator Kennedy. I hope you will provide the Committee with the explanation of how it is that the seafood promotes the growth of a third ear.

Senator KENNEDY. I will.

Senator SHAHEEN. Because I find that very interesting.

Senator KING. A couple extra fingers too. It is the antibiotics. If you eat enough of the stuff, you become antibiotic-resistant, in addition to the extra ear.

Senator SHAHEEN. Although there are some people I think could use an extra ear.

Senator KENNEDY. That is true.

Senator SHAHEEN. So that they could listen a little better.

Senator Heinrich.

Secretary RAIMONDO. I have no comment on any.

Senator SHAHEEN. Thank you.

Senator HEINRICH. Madam Chair, I think Senator Peters might be next, but if you want me to go now, I am happy to do that.

Senator SHAHEEN. Senator Peters, if you were here before Senator Heinrich, you should definitely go next.

Senator PETERS. Thank you. Thank you, Senator. Thank you, Madam Chair.

Secretary Raimondo, I certainly thank you. Good to see you again, as always, and thank you for your testimony. You know, earlier this year, I called on your Department and this administration to do more to combat the economic and national security threat posed by Chinese-made electric vehicles. I believe that we must ensure that the EV industry is built in the United States and in Michigan to create and protect good-paying union jobs for Michiganders, but also ensure that U.S. manufacturing remains strong and competitive against the Chinese.

And that is why I applaud the Trade Representative's announcement yesterday that your Department will quadruple tariffs on Chinese-made vehicles to combat unfair trade practices and protect American competitiveness. Increasing Section 301 tariffs on Chinese-made products is certainly a step in the right direction.

But my question for you, ma'am, is what is the Department preparing to do to prevent tariff evasion by Chinese companies? We know that some Chinese automakers are pursuing footprints in in Mexico, and in Europe, and we must ensure that we don't allow those actors to evade rules meant to create a level playing field. So

how is the Department taking this into account in its enforcement strategy for what I think is the right thing to do, but we have to be able to enforce?

Secretary RAIMONDO. I couldn't agree more. So let me first say this. First of all, thank you for your push, persistent push on this. I think, Europe provides a cautionary tale because there were no tariffs, and before you knew it, China went quite quickly from zero to 25 percent market share in Europe of their EVs because of China's distortive practices in keeping the price low.

So the reason that we, the President, took this action to put a 100 percent tariff is so that that doesn't happen to us. And we—I was proud of the President to do that because I think it is necessary to protect our market and protect our workers. Now, you point out another extremely important issue, because of USMCA, cars made in Mexico, you know, it is a risk that we worry about.

I can tell you, obviously, this is within USTR's purview, not really my purview, with 301 tariffs or USTR working very closely with Customs and Border Patrol. We are very focused on this risk. We are worried about this. We know, we know, we have public reports that Chinese companies are setting up shop in Mexico. So we are tracking it. What the Commerce Department is doing is helping USTR by providing, like industry analysis and such. And I can just tell you that, the purpose of USMCA was not to help China. It was to help the—you know, trade pact with the signatories of that agreement, and we are going to do whatever we need to do to make sure China doesn't use Mexico and run around these new tariffs.

Senator PETERS. Well, I appreciate that, and I appreciate the President's strong action. He has always fought for American jobs, and this is a prime example of the President taking, action.

Madam Secretary, you know, the CCP-backed vehicles, however, don't just pose a threat, an economic threat to the United States, they also pose a real security threat as well to our Nation. We can't allow the CCP to deploy the same playbook we saw with telecommunications equipment such as Huawei and ZTE when they flooded the U.S. market and created espionage and sabotage threat.

Your Department recently announced an investigation into the national security concerns of Chinese-connected vehicles. And I have urged you to use this investigation to take a closer look at the CCP-backed automobiles.

Now, I realize you can't share all, this is not a classified setting, but I would like you to discuss some of your concerns regarding connected vehicles from China and what we can—and when we can expect a proposed rule from Commerce on Chinese-connected vehicles?

Secretary RAIMONDO. Yes. The comment period just closed, and we expect to have the rule out this fall. We received significant comments that we have to go through. Look, I would say the national security risks are quite significant. If you think about these connected vehicles, they have thousands of sensors, thousands of chips.

They are controlled by software, which is coming from Beijing, in the case of Chinese-made cars. They know where the driver goes, what the driving patterns are, what you are saying in your car. It is a lot of data around U.S. persons that goes right back to Beijing.

It is not totally different than the threat of TikTok, which this Congress took action on, with the threat of, you know, cranes at U.S. ports. 90-plus percent of cranes at U.S. ports are Chinese-made. Cranes are no longer, you know, steel, they are connected.

So I think it falls into the broader category of all of these connected, you know, technologies, which collect massive amounts of data on U.S. citizens, our children, our families, our military personnel, et cetera, all going back to Beijing.

By the way, not to mention the fact that the software, I mean, you can imagine the most catastrophic outcome, theoretically, if you had a couple million cars on the road and the software were—what do you call it—disabled.

Senator PETERS. Yes, shut off.

Secretary RAIMONDO. So in any event, I will leave it at that in an unclassified setting, but we decided to take action because this is really serious stuff.

Senator PETERS. We appreciate it. Thanks for your leadership. Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Peters. Senator Murkowski.

Senator MURKOWSKI. Thank you, Madam Chair.

And good to see you, Madam Secretary; I am going to stick with seafood here. And I want to start with what I know you have been read into, but we are really getting concerned, as you know, fisheries disasters in and around Alaska, but in other parts of the country, and these disaster monies are being held up. And right now we are looking at literally, I mean, it is—and you can't describe it as anything other than a massive backlog.

And it relates to this new Business Applications Solutions, getting the payments out to NOAA employees, the vendors, the partners. It has been a technical issue that you are starting a new system, but you started it with a program where you have people that are so vulnerable and have waited so long. I mean, in in Alaska, and I don't know whether it is in other States, probably in the Chair's, but we are looking at fisheries disasters that were declared back in 2019, and these people still have yet to receive their disaster funding. It is, it is really outrageous.

So can you share with the Committee where you are, what you are doing to address these failures, when we can expect this system to be operational? I don't know if we can call it fully functional, but at least operational. We have got to help these folks.

Secretary RAIMONDO. Yes. So first of all, I agree with you, and I know how serious it is. I really do. I have spoken to you, I have spoken to other Members, I have spoken to fishermen myself in Alaska, and I want you to know I don't take it lightly. The fishery disaster assistance has, candidly, never been a fast process.

Senator MURKOWSKI. It has been awful.

Secretary RAIMONDO. Yes. For like, ever. It has never been a fast process. The new law that you have passed is good, effective, and pushing us to streamline. But as you know, it is very data-intensive. We have to get the catch limits, know the data from the past, compare it to today, is an arduous process and takes time. The BAS (ph.) implementation only made it worse. Here is what I can

tell you. We expect some decisions in the next month or so, BAS——

Senator MURKOWSKI. Decisions with regards to getting the funding out the door then?

Secretary RAIMONDO. Yes. Yes. Yes.

Senator MURKOWSKI. Okay.

Secretary RAIMONDO. Yes. Yes, for providing funding. BAS (ph.), this may be cold comfort for you, but I personally have a meeting on a weekly basis with the BAS team to get this thing back on track. IT systems, I have been doing this for 15 years, never seem to go the way they should in government. It is not an excuse, but it is complicated.

So the good news is the system is now working. The actual software is working. We are processing vouchers and grants at the same rate that we were pre-BAS. The challenge now is that we had a 20-year-old system that individuals knew how to work with. Now they have to learn a whole new system, so we are still slow. But long story short, we are through the worst of it. Not totally out of the BAS woods, I will follow up with you on Alaska specifically.

Senator MURKOWSKI. Yes.

Secretary RAIMONDO. But I think you are going to see some improvements soon.

Senator MURKOWSKI. Well, we need to see that because we are going into yet another season.

Secretary RAIMONDO. Yes.

Senator MURKOWSKI. And quite honestly, prepare yourself for another round of disasters. But our fishermen are giving up on the whole disaster declaration process because they just can't see the help coming in anytime soon.

Secretary RAIMONDO. We will get better.

Senator MURKOWSKI. Thank you. Another question, and this relates to your budget that is very concerning; what we have been saying to people who are very stressed about what we are seeing in the oceans and what is happening, particularly with salmon, but in other species as well, crab. We are saying we got to get more data, we have got to get more science, we got to count on NOAA, we need to make sure their budget is there. And then we learn that the 2024 Alaska Longline Survey is going to be suspended this year. We understand it is high cost. Of course, it is high cost.

But historically the Alaska Fishery Science Center has been able to conduct the survey through a cost recovery effort. We know that we have got increased operating expenses, we get all that. But we established the Fisheries Survey Contingency Fund in fiscal year 2024 to provide funding for instances like this, and to help prevent the unexpected cancellations.

So I am just going to, just again reinforce the importance of these marine surveys. We want to make sure that our fisheries are going to be sustainable even in challenging times, but we have got to know as much as we possibly can. We have to have these marine surveys. So is there any assurance that you can give me in this category?

Secretary RAIMONDO. Yes. I mean, in the fiscal year 2025 budget, we have prioritized the surveys. The longline survey is paid for actually by the—by industry, and you know costs are going up, so it

is a challenge for the industry. I can tell you, we are very focused on it. It is always a tough decision to postpone or cancel a survey. We don't like to do that. We are being creative as we can to make sure that we get the best science, and we strive to meet our core responsibilities. I share the priority and the concern.

Senator MURKOWSKI. Well, and you know, we talked about this during COVID, when we lost years of surveys, a couple of years of surveys, which was horribly detrimental. So I am just going to reinforce I will be the broken record on it. I do have more questions that I want to submit for the record, but thank you, Madam Secretary.

Secretary RAIMONDO. Um-hum.

Senator SHAHEEN. Thank you.

Secretary RAIMONDO. By the way, next week I am talking to a group of Alaskan commercial fishermen, just to hear and learn and listen. I am not saying we are doing everything perfectly, but I definitely want you to know how seriously we take it.

Senator SHAHEEN. Thank you. The second vote has been called. So Senator Heinrich, I am going to call on you next.

And Senator Murray is going to take over. And I am going to go vote, and if anybody else here has not voted yet, I would encourage you to do that. Thank you.

Senator HEINRICH. Thank you, Madam Chair.

Secretary, as you know probably better than most, the CHIPS and Science Act has had just an incredible impact on semiconductor manufacturing in this country. I know you were recently in Arizona, at the REI Intel facilities in Rio Rancho. They are reinvesting to the tune of 700 permanent manufacturing jobs, and literally thousands of skilled trades jobs while they build it out.

All of us care about jobs. But talk a little bit also about why these new advanced packaging facilities are so important to restoring America's leadership in making chips here at home, and controlling our own supply chain?

Secretary RAIMONDO. Yes, thank you. Exactly for the reason you said. I mean, it is quite shocking if you think about it that in the past few decades, the United States has gone from being the leader in semiconductor manufacturing to now being 100 percent dependent on Korea and Taiwan for our leading-edge chips. 92 percent of our leading-edge chips come from one company in Taiwan.

It puts us in an unbelievably vulnerable position. So as you say, it is exciting that we are creating these jobs, and it is thousands of them, and they are good jobs, and high-paying, and union jobs, and it is great. This is fundamentally a national security issue. And you mentioned packaging. We also don't—we don't have advanced packaging in the United States, so a disturbingly high number of chips that are in U.S. Military applications are shipped to—made somewhere and then shipped to China or Asia to be packaged.

Senator HEINRICH. Right.

Secretary RAIMONDO. So if we want to secure—you know, bolster our own national security, we need to make and package these chips in the United States.

Senator HEINRICH. Giving businesses in rural communities the support they need is a real priority for my office. And so I was real-

ly pleased to see a new Minority Business Development Rural Center announced for Las Vegas, New Mexico. Talk to the Committee a little bit about what these new rural centers will be bringing to the table for our rural businesses.

Secretary RAIMONDO. Yes. Thank you. So we—this is a pilot program that we started at MBDA because we know that rural businesses face a different set of challenges than—and you know that very well, than, you know, non-rural businesses, harder to access capital, harder to find resources. So we started a pilot with rural business centers, including one in your State. It has been very successful. The budget request asked for $3 million so we can do more.

It is just a matter of meeting people where they are and teaching them how to get capital, how to hire, how to train employees, how to export, et cetera. Fundamentally, my job is to make sure America out-competes the rest of the world, and that means, every American business has to be able to compete, minority-owned businesses, rural-dwelling businesses, et cetera.

Senator HEINRICH. I am going to shift gears to AI for a moment. A number of us announced a new AI roadmap today, and NIST is a big part of that; the Safety Institute at NIST in particular. How do we make sure that the AI Safety Institute at NIST is also leveraging the capacity that exists in other parts of the Federal Government? And for me, that would mean things like, the expertise at the Los Alamos and Sandia National Labs.

Secretary RAIMONDO. Um-hum. That is a critical piece of it. So we have a very close working relationship with the Department of Energy, who has some of the best AI experts in the Federal Government and who has the compute.

Senator HEINRICH. Yes.

Secretary RAIMONDO. You know, they have the compute, so one of the things we are going to be doing, for example, is testing and evaluating the frontier models before they go out into the world. We will need to work with the National Labs, and they have been incredibly collaborative, in order to do that. Setting the standards, tapping into their expertise, and quite frankly, benefiting from their compute to run some of these models.

Senator HEINRICH. Yes. I think the next couple of years are going to be really important for us getting the infrastructure in place to be able to manage this transition effectively. A last quick question, the Russian seafood ban, what is Commerce doing to implement that ban? What more can you be doing? What do you need from us?

Secretary RAIMONDO. Yes. Obviously, we support the President's executive order. We are working closely with, Treasury and CBP to enforce that. There is always more to be done. I mean, the conversation we had earlier with Senator Kennedy, it is what China and Russia are doing is, first of all, human rights abuses, which is wrong, and we have to stand against, but it also it hurts us fishermen.

Senator HEINRICH. It sure does.

Secretary RAIMONDO. It distorts the market.

Senator HEINRICH. It really hurts the stability of nations all around the world. I mean, if you go to the South Pacific, you will hear, endless stories about illegal fishing coming from China.

Secretary RAIMONDO. Yes. We will follow up.

Senator HEINRICH. Yes.

Secretary RAIMONDO. I mean, I think we are doing all we can, to facilitate.

Senator HEINRICH. Appreciate it, Secretary.

Senator MURRAY. Senator Hagerty.

Senator HAGERTY. Thank you. And welcome, Secretary.

Secretary RAIMONDO. Hello.

Senator HAGERTY. Good to see you.

Secretary RAIMONDO. Good afternoon.

Senator HAGERTY. Two topics I want to discuss with you today. One of them has to do with the census, the other with your recent trip to the Philippines, and some of the discussions we have had along those lines. But first, with respect to the census, I am quite concerned that the census and apportionment today is conducted in a way that encourages illegal immigration. I want to just ask you for the record, illegal aliens today are counted in the U.S. Census; is that correct?

Secretary RAIMONDO. Yes. As required by the Constitution.

Senator HAGERTY. This total census population, and I want to be clear, it is counted, illegal aliens are counted, this total census population, which includes illegal aliens, is then in turn used for the allocation of Congressional districts and electoral votes for each State, is that correct?

Secretary RAIMONDO. Yes.

Senator HAGERTY. Recently, a video emerged of a Democrat representative named Yvette Clarke from New York. She was calling for more illegal immigration to her New York Congressional district because, I want to quote this, "I need more people in my district just for redistricting purposes." This is what she said.

Under the current rules, Secretary, Representative Clarke is right, isn't she? If she has more illegal aliens coming to her district, she will have a larger district, she will have more power in her district relative to others that don't.

Secretary RAIMONDO. I am not going to comment on politics. Like my job is to run the——

Senator HAGERTY. This is just math. If you have more illegal aliens in your district, you are likely to have more power in your district, right? You will get greater representation by virtue of their arrival; is that correct?

Secretary RAIMONDO. Like I said, the Constitution requires us to count all persons, and that is what we do.

Senator HAGERTY. The Constitution also talks about one person, one vote. And this absolutely dilutes the notion that citizens have the right to vote. It dilutes it. And what it does is it actually incentivizes illegal immigration. It allows illegal immigration to increase political power depending on your State or your congressional district, the more illegal aliens that you have, the greater your political power.

I introduced legislation to address this. It is called the Equal Representation Act, that would take away this perverse incentive, and it would make certain that only citizens are counted for the purpose of allocating congressional districts and for the purpose of allocating electoral votes.

This bill just passed the House of Representatives last week, and I put this bill on the floor of the U.S. Senate. Every Democrat voted against it in March, but I am very hopeful that common sense will prevail, and we can see a very different result. Americans are shocked when they find out this is happening, particularly given the volume of illegal aliens that are coming into America right now, and where the sanctuary cities are located.

Turning to another topic, though, now, and that is the one you and I have discussed a number of times, and that has to do with the Philippines. And I mentioned to you in my past experience when I served as Ambassador to Japan, two Chinese firms were attempting to acquire the Hanjin Shipyards that was in bankruptcy. The firm is—the shipyard is now named Agila Shipyards. It is located very strategically in the Philippines' Subic Bay. It is a deepwater shipyard right on the South China Sea. It previously served as a U.S. Naval Shipyard when I lived out in Japan back in the 1980s.

Unfortunately, and for different reasons, the DFC and other organizations of the United States Government, were not able to respond in a way that I had hoped, in terms of dealing with the financing of this, and you and I have discussed some of those issues there. The inability to engage directly resulted in us putting together an ad hoc team that was comprised of individuals in the State Department. I worked on it closely. We went to the Japanese Government, we went to the Philippine Government, and we eventually got it done.

It was tough, I have to say. A private sector firm, Cerberus Capital Management, stepped in and took an important leadership role, as well as certain individuals in the State Department and the Department of Defense.

With that said, I really hope, and I think you would agree, that we need to evolve beyond some type of ad hoc approach when these situations occur. And I would love to get your thoughts, your opinions about how we might put in place some sort of permanent established way of dealing with these sorts of foreign strategic assets that come available and have a way to participate and engage rather than just allow adversaries to acquire them.

Secretary RAIMONDO. Yes. I would love to work with you on this, Senator, and I will follow up with you. One of the initiatives I have been working on is the Indo-Pacific Economic Framework, and in fact, we will be hosting in June in Singapore an investor forum for exactly this purpose, which is bringing U.S. investors to the table in Singapore, and exposing them to all of my IPEF counterparts from other countries are going to come and present their high-priority projects, infrastructure projects, clean economy projects, energy projects, to have a more, you know, institutional way for U.S. investors, Australian investors, Japanese investors to look at these investments in these countries.

The Philippines will be there, so we can focus our investments on those priorities, because otherwise, as you say, and as you well know, China is everywhere, all of the ports. And I was in Kenya recently, it is not just the Indo-Pacific, it is Kenya, China is very aggressive——

Senator HAGERTY. Even in Latin America.

Secretary RAIMONDO [continuing]. In Panama. I was in Panama. I recently went to Costa Rica. I brought with me two Costa Rican U.S. businesses, including Intel. You know, like that is a win-win. Draw down supply chain from China closer to home in Costa Rica. Helps our supply chain and resiliency, draws us closer to Costa Rica. So I am doing a lot of that work. We have to be doing so much more. But I will send you details about this event in June because I think it is exactly what you are talking about.

Senator HAGERTY. Certainly. I appreciate the work you are doing, and if you see any opportunities with respect to the tools that we have today, that are just not quite hitting the mark.

Secretary RAIMONDO. Yes. Yes.

Senator HAGERTY. I am thinking specifically about the DFC. I was just with Scott Nathan in another hearing, but if there are tools or adjustments to those tools that we could make, particularly where in the Legislative Branch we could help you, I am looking forward to working with you.

Secretary RAIMONDO. Yes.

Senator HAGERTY. Thank you, Madam Secretary.

Secretary RAIMONDO. Very good. Thank you.

Senator MURRAY. Thank you. Thank you, Secretary Raimondo. I appreciate you joining us today. You know, the investments that we make in the Department of Commerce are so important to our economy, our national competitiveness, and our national security, as you were just talking about. They really help make sure that we have a thriving workforce, growing businesses, strong supply chains, trade relationships, high-speed Internet in every ZIP code in America, reliable information about our weather, healthy salmon populations, and hatcheries, and of course, cutting-edge research, as you well know, in manufacturing, in critical industries, like advanced manufacturing, clean energy, quantum computing, and so much more.

And we know that our adversaries, like the Chinese Government, are doing everything they can to get ahead in those fields. We know they are not cutting their investments in the future or leaving them on autopilot, and that means that we cannot afford to do that either, which means we can't leave domestic spending behind in fiscal year 2025. We are working with very tight, inadequate spending limits, and as I have said, repeatedly, as we talk about how to address those inadequacies for defense, we have to do the same for nondefense, because our competitiveness and our country's future depend on it.

We have to write strong bills for the year ahead because if we leave our families behind, then our competitors are going to leave U.S. behind before too long. So I appreciate the work you are doing, and as a reminder to all my colleagues, we need to make sure we are funding the nondefense side as well as the defense side.

Salmon, as you will know, are foundational to Washington State's economy and cultural heritage. Salmon recovery is a top priority for me, and NOAA plays a really integral role in this work, especially on Mitchell Act hatcheries, which are a mainstay of commercial, recreational, and treaty Tribal fisheries in the Columbia River Basin. I secured investments in the Inflation Reduction Act to repair and modernize those hatchery infrastructures, and we

have to continue that work through strong annual appropriations. Can you speak to this Committee about the importance of maintaining robust funding for those Mitchell Act Hatcheries?

Secretary RAIMONDO. Yes, thank you. For 10 seconds. I just want to, I guess, support and emphasize the first point that you made. The way to compete with China and out-compete China is to invest in America. There is only so much we can do to hold them back, right, we need to—and by hold them back, I mean deny them our technology, for example. We need to invest in everything you are talking about. If every American has good job training, good jobs, good manufacturing, good broadband, that is how we outcompete. So I strongly support your leadership around focusing on the domestic investments.

As it relates to salmon, you and I have talked about this before. The money that we have for the salmon hatcheries goes to States, and also to Tribes, and as you well know, this is a way of life for Tribes, not to mention livelihood. I would say that without the money, we won't be able to maintain salmon populations. So the short answer, I suppose, is it is incredibly critical. It is critical. We won't be able to maintain the population, which means people will not be able to maintain their jobs, not to mention the environmental consequences.

Senator MURRAY. Thank you. Absolutely agree. Now, I heard what Senator Murkowski said. I was going to say the same thing, and I appreciated your response. But you need to know we are hearing from our constituents that this desperately needed funding is delayed due to issues with NOAA's payment system, as you outlined to us. We have had several fishery disaster declarations that directly benefit us, but our people are not seeing the help get to them.

So I heard your response to Senator Murkowski. I would ask you to do the same for us, to let us know in Washington State when they are going to see these resources, because the people are really getting disillusioned by this.

Secretary RAIMONDO. Yes. I know, and I am sorry. You will see some announcements next month. It is definitely getting better. I know the crabbers are hurting, and the fishery is hurting. We are on it. And it is going to get better.

Senator MURRAY. Okay. And we look forward to a personal update when you get that information, and when it is going to be.

Secretary RAIMONDO. Um-hum.

Senator MURRAY. I want to ask you about NOAA's West Coast Regional Center in Seattle. It houses the largest variety of NOAA programs at a single location in all of the United States, and employs the largest number of NOAA staff outside of Washington, D.C. Some of those buildings date back to the World War II Era. So as NOAA works to consolidate in the Seattle region, I believe there is an opportunity to improve those facilities.

An internal NOAA study arrived at the same conclusion. So I want to ask you today, will you commit to keeping me and my staff apprised of NOAA's plan to modernize the WRC?

Secretary RAIMONDO. Yes, the WRC is a priority, and it is on track. And we will, of course, keep you apprised.

Senator MURRAY. Okay. Because NOAA needs those top-class facilities in order to do really important work, whether it is weather, climate, or coastal missions, so this is a critical area for us, and we want to stay in touch with you, and you should do that.

Secretary RAIMONDO. Of course.

Senator MURRAY. Thank you. Thank you very much.

Senator SHAHEEN. Thank you, Senator Murray. Senator Fischer.

Senator FISCHER. Thank you, Senator Shaheen; and thank you, Secretary, for being here today.

Madam Secretary, as you know, NTIA received major funding under the Infrastructure Law for Broadband Deployment, and this funding allows States to develop plans that best fit their needs. However, Nebraska submitted its initial proposal for BEAD funding, and NTIA has rejected it twice. In both instances, NTIA noted that Nebraska's application failed to establish a low-cost broadband service offering.

I know you testified to Senator Moran that you believe this requirement is in statute, but if Congress expressly directs the Department of Commerce and NTIA to include this requirement for States to describe a low-cost broadband service offering in their BEAD applications; yes, or no?

Secretary RAIMONDO. Yes. The law requires——

Senator FISCHER. I don't believe—I don't believe Congress did that. NTIA has only been able to cite finding sections in the bill. Congress did not expressly state it.

Secretary RAIMONDO. The law is quite clear, and Senator Shaheen and I, and Senator Collins, were in the thick of it. The law explicitly forbids rate regulation, and I will testify to you today that we are not in the business of rate regulation but it——

Senator FISCHER. Bud didn't you——

Secretary RAIMONDO [continuing]. But it also requires every State to have a low-cost option. Affordability is a requirement.

Senator FISCHER. But in your notice of funding opportunity, it only cites the findings section in the Infrastructure Law. It does not cite anything in the law itself. If the statutory reference goes beyond that, can you send that to us?

Secretary RAIMONDO. Yes. But let me say that—yes, and I am happy to look into Nebraska, and I am happy to talk to you and the Governor myself. But as we were saying before, the whole point of this, we believe the Internet is not a luxury. It is a utility. It is something everybody needs. And if you—if it is technically available to everyone in Nebraska but at $100 or $200, where it is unaffordable, it might—it is not Internet for all.

Senator FISCHER. But I believe——

Secretary RAIMONDO. It is Internet for the wealthy.

Senator FISCHER [continuing]. But Congress—it is my understanding that Congress outright prohibited NTIA from regulating broadband rates as part of BEAD's reauthorizing statute. And NTIA admits that, in its official question-and-answer document on the BEAD Program, they also note that a low-cost broadband service offering does not require any specific dollar figure to be attached to it.

Secretary RAIMONDO. Um-hum.

Senator FISCHER. But the only, the only State plans that NTIA has approved so far, they have all included specific dollar figures for that low-cost broadband offering. So Nebraska is not interested in trying to have broadband rate regulation. So what are some alternatives to that specific dollar figure—what are some alternatives that can satisfy NTIA's low-cost broadband service offering requirement?

Secretary RAIMONDO. So again, we are not telling Nebraska you have to provide a $30 a month, $40 a month option. What we are telling Nebraska is you need to satisfy us that for your State, based upon your needs, at the end of the implementation, I think you guys are getting $400 million, every household in Nebraska has to have access to affordable alternatives.

Senator FISCHER. But do you have alternatives that would qualify for that, that would meet that requirement, because——

Secretary RAIMONDO. They have to prove to us that everyone will have affordable access to high-speed Internet.

Senator FISCHER. So you don't have any alternatives that you could offer my State that might work for them? Because I know my State is a little concerned about the legal liability it is going to have when it is sued for that lack of authority to regulate the broadband service rates.

Secretary RAIMONDO. But we are not telling—I will call you, and we can follow up on this.

Senator FISCHER. Okay.

Secretary RAIMONDO. We are trying to get—the reason we are doing this State by State, is to give States flexibility.

Senator FISCHER. Okay. That would be good.

Secretary RAIMONDO. And what we are trying to do is—like, look, this is a hard thing to do, we don't want—this is a ton of taxpayer money going to——

Senator FISCHER. I have got—I've got another one here.

Secretary RAIMONDO. Okay. Go ahead.

Senator FISCHER. Switching gears.

Secretary RAIMONDO. Okay. Go ahead.

Senator FISCHER. I am sure the Department's oversight of NTIA also has brought Federal spectrum issues front and center for you. And safeguarding the diverse missions of Federal agencies is critical, as I know you know. Do you have any opposition to the concept of NTIA co-leading spectrum studies with the Department of Defense, specifically for circumstances that would impact DOD systems?

Secretary RAIMONDO. No.

Senator FISCHER. Great. So from your perspective, has DOD been fair and transparent in its communications with the Department of Commerce?

Secretary RAIMONDO. Yes.

Senator FISCHER. Great. Thank you.

Secretary RAIMONDO. But I will come back to you on this, the broadband.

Senator SHAHEEN. Thank you, Senator Fischer. Senator Coons.

Senator COONS. Thank you so much, Chair Shaheen.

And Secretary Raimondo, great to be with you; I just so appreciate the positive energy, the can-do attitude, the business back-

ground, and the State leadership background. I appreciate that you are from a small but mighty State that has a long and plucky history in manufacturing, much as New Hampshire does, as much as I would like to believe Delaware does as well. And I am grateful to be with you.

I don't know if you remember this from our first conversation, but my father launched the Rhode Island Seafood Council.

Secretary RAIMONDO. I do. And now that you are saying it——

Senator COONS. Years and years ago, he was literally one of the folks here advocating for the fishermen of New England to receive some support or benefit when there were fishing challenges in the region. So listening to the exchanges with a variety of senators from both sides of the aisle brought me back to what it was like to be in the audience visiting when he was testifying on these issues.

Manufacturing, as you know, is something of great importance to our country, and to me personally, I spent 8 years in the manufacturing industry before being elected to anything. Manufacturing jobs are great jobs. They anchor families and communities. They pay higher wages. They have better benefits. And President Biden is presiding over a renaissance in advanced manufacturing in the United States.

A key piece of that is the Manufacturing USA Program, where NIST, the National Institute for Standards and Technology, plays an absolutely critical role. I think NIST is one of the most underappreciated high-impact components of your Department.

There are 17 Manufacturing USA institutes that specialize in different areas, as you are well aware. One of them in Delaware, the National Institute for Innovation in Manufacturing Biopharmaceuticals, or NIIMBL, will play a key part in demonstrating the technologies needed to manufacture the next generation of therapeutics, diagnostics, and vaccines.

NIST is planning to add two additional institutes this year focused on AI and semiconductors. NIIMBL in Delaware is the only NIST institute. It is the only institute not run by either the Department of Energy or the Department of Defense, so you have a great opportunity for the Department of Commerce to significantly increase from one to three its Manufacturing USA institutes.

I was struck that the budget request was for $37 million. Given the real impact that this national network has, and for those who misunderstand them to be only in 17 locations, every one of them is a hub from which spokes spread throughout the country. The NIIMBL institute in Delaware has partner companies, and institutes, and universities in 30 States.

I recognize budgets require tradeoffs. I am going to push to try and find a way to increase investment in this program. And New Hampshire also benefits from having one of these institutes. I would be interested in whether you think that is a sufficient level of investment, given how it punches above its weight and its potential impact.

Secretary RAIMONDO. You know, before we were talking about what a tough topline we have on this budget?

Senator COONS. Um-hum.

Secretary RAIMONDO. So it is, I have been to NIIMBL, I have seen it, I know about it, it is great. The work MEP does is great, by the way. The work Manufacturing USA does is great. The fact that we have asked for additional money in both of those programs in light of this tough budget should tell you how much we think it matters. And certainly, the more we have the more good we can do.

Senator COONS. Thank you.

Secretary RAIMONDO. By the way, the man who just walked in would agree also that Rhode Island is the center of the universe, so I am glad your father——

Senator COONS. We said great things about Rhode Island.

Secretary RAIMONDO [continuing]. We were just discussing how all roads get back to Rhode Island.

Senator REED. You are absolutely right, Madam Secretary, and it is because of you.

Senator COONS. And your advocacy in support for the Manufacturing Extension Partnership is also deeply appreciated. I am closely following the Regional Technology Hubs implementation by EDA. It allows more regions to participate than just a few superstar cities, and I was proud to see the Greater Philadelphia PROPEL Tech Hub have advanced. That includes NIIMBL as one of its partners. There is also only $41 million for tech hubs. Also something I think deserves more support. I will ask one last question.

Secretary RAIMONDO. I agree, by the way.

Senator COONS. I think you have got a tremendous PTO director, and the role of intellectual property in a strong patent system in making manufacturing competitive and successful is key. The European Commission, a year ago when you were before us, was drafting a standard essential patent regulation that I was afraid would encourage China's abusive royalty-setting practices and harm U.S. innovators and manufacturers.

In February, the European Parliament adopted the Draft Regulation, and EU Member Nations are now likely going to adopt these regulations as well. I think it is in real tension with an open, global, multi-stakeholder standard setting and licensing system that is essential to developing 6G and to R&D. Will you work with me to make sure that the U.S. doesn't follow the EU down this road when it comes to standard essential patents?

Secretary RAIMONDO. We will. By the way, I have to thank you, Kathi Vidal is amazing, and has enjoyed her working relationship with you, so of course we will continue that.

Senator COONS. Thank you very much, Madam Secretary.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Coons. Senator Britt.

Senator BRITT. Thank you so much, Madam Chair.

Secretary, it is so nice to see you today. Thank you so much for appearing before this Committee. Your Department has done incredible work and has a big impact on Alabama, from red snapper to assessing anti-dumping, to countervailing duties on imports, unfairly threatening Alabama businesses. The decisions that you and your Department make impact the lives of millions of Alabamians.

And on some of the issues you and I, you know, may have a disagreement, or I may want to see you move faster. But what I want

to say is, you have been great to work with. I have my daughter here with me today, and it is incredibly important for me for her to see the fact that you do not have to agree with someone to show them respect. And in fact, even if we share very different political ideologies, where there are common grounds, we need to move forward and work together.

And I have enjoyed that relationship with you, and I certainly hope that will continue. And I think that her generation needs to see that more than anything. So thank you very much for that.

And despite obviously having some disagreements, I certainly appreciate your whole teams' willingness to work, and that willingness has been valuable despite the places where our views diverge. I do think even, moving forward, we have many opportunities to work together.

So for example, there is an exciting opportunity to find a Tech Hub in Birmingham that would bring public-private partnerships and academic partners together. This is a unique opportunity that would promote a domestic supply chain for critical medicines and spur innovation throughout the region and across the country. I have also appreciated your personal attention that you have given to BEAD implementation.

I know that the State has enjoyed working with your team, and I trust that that feeling is mutual. Obviously, any program of this size is going to have some hiccups, but I feel good that as long as stakeholders are still at the table, we will certainly smooth those out. Continuing to push NIST and the NTIA to communicate from the same playbook and continue to provide much available flexibility to groups implementing this program, I think is critically important.

Last year, we discussed the radar. Then you gave me a commitment that your office would work with myself, and Congresswoman Sewell, and Congressman Aderholt to help address the radar gaps in Alabama. Thank you for following up on that request. We have been able to increase radar coverage of Alabama at 3,000 feet by 4,200 square miles since last year. That means 8 percent more of Alabama has adequate radar coverage compared to last year.

Now, while there is plenty more work to be done, I certainly believe every Alabamian should live with proper radar coverage to protect and preserve lives during severe storms and tornadoes, regardless of their ZIP code. I certainly appreciate the progress that has been made. And I want to continue to work with you to address those remaining gaps.

One area I am finding of increasing concern to Alabama is The Endangered Species Act implementation, specifically revolving around the Rice's whale. We must find a way to preserve species based on science in ways that do not hamstring our economy and National Security.

I was grateful the Department denied the extremely harmful Rice's whale petition from non-government organizations last fall. The measures included in that petition would have severely stilled operations at the Port of Mobile, and possibly eliminated the commercial and recreational fishing opportunities in the Gulf.

Madam Secretary, when issuing regulations under the Endangered Species Act, will you commit to me to carefully consider the

science, the economic ramifications, and the National Security impacts of any regulation, as the law requires?

Secretary RAIMONDO. Yes. Yes. All of it is in active regulation. You know, we are making the rule now, but we endeavor for it to be science-based, but also balance commercial interests.

Senator BRITT. I am so grateful to hear you say that, because I want to reiterate that the known economic impacts at stake here; and the lack of science that is available on the species need to be taken into account. Alabama's commercial fishing operations provide more than $291 million in economic value, and recreational fishing adds another $452 million in economic value to the region.

According to NOAA documents, the Port of Mobile has $270 million a day of economic impact. That is a little under $100 billion a year. For reference, Alabama's estimated GDP last year was about $300 billion. That puts it into context for you.

So it has been raising alarm bells, as you can imagine, when we see claims made by NOAA that cannot be backed up by science, especially when these claims could be used to justify regulations impacting a third of the State's economy. So for example, NOAA claimed in its Species In The Spotlight Publication that Rice's whale were declining, even though NOAA scientists have noted that there is not enough data on the species to declare a population trend. So similarly, NOAA has noted that there have been few sightings of tabs in 2010 and implied the population was maybe declining due to Deepwater Horizon. And so obviously, if you aren't looking for them, you know, you are not going to find them.

So as I wrap up, Madam Secretary, these are just a couple of the examples of how the lack of data has been framed as a crisis. And when official NOAA documentation frames a lack of research as a reason for a regulation, I think Alabamians are clearly and justifiably deeply concerned about the direction the Department is heading.

So if you will, please work to ensure that scientific integrity is protected at the Department, and that the Department understands the balance of obviously making sure that we are moving forward in conservation, but that the economic and national security implications of these decisions are balanced as well.

Secretary RAIMONDO. Yes.

Senator BRITT. Thank you.

Secretary RAIMONDO. Yes. I have talked with a number of your colleagues earlier about how many Americans earn their living fishing, crabbing, fishing et cetera, so I will commit to you that our decisions will have sound, scientific background and that we have an open ear to commercial interests.

Senator BRITT. Absolutely.

Secretary RAIMONDO. Also, on the tornado, because of the exchange we had at the last hearing, I went back to the Department and directed—and looked into it, and directed the Weather Service to work with the FAA. We have lowered the beams, and you could take credit for having more accurate forecasting of tornadoes for more folks at lower severity storms.

Senator BRITT. Which is just, I mean, that is huge. And so thank you. And as I said earlier, I just appreciate the willingness to work

with you, and your willingness to work with our team. So thank you so much.

Secretary RAIMONDO. Thank you.

Senator SHAHEEN. Thank you, Senator Brit. Would you like to introduce your daughter to the Committee?

Senator BRITT. Oh, my, gosh. That is so exciting. Yes, thank you so much, Madam Chairwoman. So this is my daughter, Bennet (ph.) Britt. So she is—she is probably like; oh, my, goodness, this is happening to me?

Senator SHAHEEN. I know. I never pass up an opportunity to embarrass my kids.

Senator BRITT. Yes.

Secretary RAIMONDO. How old are you? Nice.

Senator BRITT. So she is in ninth grade, and she exempted her exams, and she said: Mom, do you mind, can I come to D.C.? Which, you know, that never happens. So I jumped on it.

Senator SHAHEEN. And she is here.

Senator BRITT. Absolutely. And it has been a part of it. She said: Boy, you have got a lot of hearings. I said, yes, we do. We do.

Senator SHAHEEN. Well, we are delighted you are here. And thank you for joining us.

Senator VAN HOLLEN.

Senator VAN HOLLEN. Thank you, Madam Chair. And Senator Britt, Secretary Raimondo, thank you for providing a great example for everybody, as to how you can disagree on many issues but still work together. I appreciate it.

Madam Secretary, let me start by thanking the President, and you, and the entire Biden Administration on the whole-of-government response to the tragic collapse of the Key Bridge in Baltimore. I am grateful to you and your team for providing a quick economic analysis of the impact on the port and supply chains, among other things. And as you know better than anybody, it is just one example of the large scope of responsibilities housed within the Department of Commerce.

Many agencies, including many that we are proud to be housed in Maryland, like NOAA, like NIST, and the Census Bureau. I wanted to just at the outset identify a couple of concerns about the budget. I know we are all concerned about the overall budget constraint numbers, but there is—NOAA's Integrated Ocean Observing System, which provides important climate and maritime data, it is slated for a 76 percent cut in this budget, which greatly concerns me. And I will be talking to Members of the Committee about it, and we will be submitting a question for the record.

I also want to acknowledge the work of the NTIA, as you mentioned, on expanding broadband, this is a very, very important priority. I know it isn't an FCC Program, at least with respect to the affordable connectivity piece; we look forward to trying to extend funding for that so that more Americans can get affordable connections.

Finally, I want to thank you for the phone conversation that you and I and Senator Cardin had about the Greater Baltimore Tech Hub. That designation has had a very important multiplier effect on investment to develop the next generation of healthcare technologies, with over $800 million in private, and State, and local

public commitments to support the proposal that has been put forward. And I look forward, and we are hopeful about the upcoming Tech Hub Phase 2 announcement.

So just, thank you for the initiative, and thank you for taking a very close look at Baltimore's proposal. It would make a very, very big difference for Baltimore, and I think a great return for the country.

A lot of people have talked about different components, offices within this, and the role they play. I just want to express a general concern, which I think you share, about the lack of funding for NIST. It is an excellent institution and has become really a victim of its own success, in that we have asked them to take on more responsibilities without the funding.

It is homes of the CHIPS for America Program. It is leading a lot of the efforts with respect to developing safe and trustworthy AI. It is doing leading work in quantum and other cutting-edge areas, and yet NIST effectively had an 8 percent cut relative to fiscal year 2023, in the current fiscal year budget 2024, and it is being asked to stretch its resources even further.

Could you just speak generally, Secretary Raimondo, about why we need to do more on NIST? You mentioned how the best way to compete is to invest in America, and NIST is a critical part of that strategy.

Secretary RAIMONDO. Yes. Okay, very quickly on a few of your things. Your tech—the Tech Hub proposal is fantastic. I don't know if you are going to get it, but it is, I can say I have met with them, it is fantastic, and I appreciated that phone call also. If there is one program that you can find money to increase funding for, it is Tech Hubs. These Tech Hubs are incredible. In every nook and cranny of this country, is great innovation, and we ought to, the United States of America, be able to fund it. So I just would like to say that.

I am going to your State with Governor Moore shortly to talk about what more we can do to help small businesses and businesses affected by the collapse. Of course, we invite you to attend that. But I want you to know we are doing everything we know how to do to be there, especially as it relates to supply chain disruptions due to the collapse and then business disruption. And always want to hear from you if you have ideas for what more we can do.

With respect to NIST, you know, if you think about the technology of the future, you think of AI, and you think of quantum, that is what NIST does, right. In this budget, I am asking for $60 million in NIST for AI. Honestly, that is a drop in the bucket for all of the testing, evaluation, and safety work that we have to do for artificial intelligence. I can't even imagine what China spends, and at its government level on AI, the same for quantum.

If we don't lead the world in these two areas of technological innovation, that is a problem for the whole world, not just for our own national security. So I don't know what to say. I mean, Senator Coons, earlier was talking about IP standards, China floods standard-setting bodies for the Internet, for AI, for IP, NIST has to be properly funded if the United States is going to lead, especially, I would say, in AI, and in quantum.

Also, the facilities, and I know you know this, but for your colleagues, it is really a problem. I mean, the work that these scientists, in a couple of cases, Nobel Prize-winning scientists, work in facilities that, in some cases, are falling apart. And we really need, for safety reasons, if no other reason, to have more investment, to protect this work that NIST does.

Senator VAN HOLLEN. Well, thank you. You know, I am very worried that having passed the CHIPS and Science Act, we are doing a good job on the CHIPS piece, but we are not really fulfilling the promise on the science part, and it will come back to bite us if we don't do it.

Secretary RAIMONDO. Right.

Senator VAN HOLLEN. And I will just say, finally, we are very bullish in Baltimore about our Tech Hub proposal.

Secretary RAIMONDO. By the way, on the science piece, I share that concern. I really share that concern.

Senator VAN HOLLEN. Yes. All right. Well, hopefully we can, and I know that the Chair shares that concern too, so look forward to working with you.

Senator SHAHEEN. Absolutely. And we have heard lots of interesting proposals around tech hubs on this Committee today. So we agree. We would like to have more money to help fund that program.

Secretary RAIMONDO. You feel about the situation I am in.

Senator SHAHEEN. Senator Merkley.

Senator MERKLEY. Thank you, Madam Chair.

And welcome, Madam Secretary. Speaking of science, I wanted to ask you about the $11 billion appropriated for R&D programs under the CHIPS Act. I think this funding is significant as it can provide research and development value across the semiconductor ecosystem, new sustainable materials to design and manufacturing, all are key components for our economic competitiveness. What are your thoughts regarding the role that the National Semiconductor Technology Center, NSTC, can play in bolstering R&D for advanced semiconductor technology?

Secretary RAIMONDO. I think it will play an absolutely critical role. We have made great progress. In some ways, I think that $11 billion is even more exciting than the $39 billion. The $39 billion is necessary. We need to make leading-edge chips in America for our national security. But the $11 billion pushes us to the next frontier.

Innovations in chip design, chip materials, chip packaging. And so we have just established, we hired somebody to run the NSTC, we are just now in the process. We are going to have more announcements this summer and this fall, but that is really the signature R&D initiative which I think will, you know, catapult the U.S. semiconductor industry for the decades to come.

Senator MERKLEY. Well, as you probably are aware, Oregon, no surprise, has a deep ecosystem in chips R&D and in manufacturing built up over the last four-plus decades. We have all the necessary components to generate a successful NSTC tech center. What is the timeline for expending the $11 billion in total funding?

Secretary RAIMONDO. By the way, I have been there, and it is incredible to see the ecosystem there. We will, this summer, this

summer we will put out the application, and before the end of the year, we will make announcements.

Senator MERKLEY. And those will be announcements on where an operational headquarters and the TA Center location will be.

Secretary RAIMONDO. Exactly. Yes.

Senator MERKLEY. Well, I invite you to come back to visit that incredible ecosystem again. Can I host you?

Secretary RAIMONDO. Absolutely.

Senator MERKLEY. Okay. Great. Thank you. I also wanted to discuss the impact of the $3.5 billion set aside in chips funding for secure manufacturing.

Secretary RAIMONDO. Um-hum.

Senator MERKLEY. I am somewhat concerned about the impact of the 2024 CJS Bill in terms of its impact on key manufacturing and R&D projects that were slated to be funded by the CHIPS and Science Act. I would like to follow up with you, if I could arrange to meet with you later on?

Secretary RAIMONDO. Yes. I am happy to do that. In fact, this is an issue we discussed, the secure enclave money that came out of the CHIPS Act funds, obviously better to talk about it in a classified setting, but I would be very happy to do that. I would welcome that.

Senator MERKLEY. I will look forward to that, thank you. Thank you very much. I want to turn to the issue of illegal, unreported, and unregulated fishing, IUU fishing. The Seafood Import Monitoring Program has been in place for more than 4 years, and it ensures the integrity of seafood entering the U.S. market, at least it attempts to do so, and it is a big contributor towards that goal.

In December of 2022, NOAA withdrew its proposed rule updating the Seafood Import Monitoring Program, or the SIMP, further exposing U.S. consumers to seafood sourced from illegal, or unreported, or unregulated fishing practices; any takeaways or insights on NOAA's ongoing comprehensive review of SIMP?

Secretary RAIMONDO. The insight is we have talked about this before and I have received your correspondence. I mean, the insight is that the problem is getting worse not better. We are more focused on it than ever. The President did an executive order banning Russian imports of fish. The issue you are talking about is mainly China, and it is not only a violation of human rights, but it distorts the market and hurts U.S. fishermen. So I would look forward to continuing to work with you on it.

Senator MERKLEY. Well, thank you. I appreciate that very much. The integrity of our fisheries requires the integrity of our fishing monitoring system, and I do appreciate that in November of last year, NOAA announced a comprehensive review of SIMP. I think as I—I just want to stress urgency to the completion of that, and an update of the rules to make it work effectively.

Secretary RAIMONDO. I hear you. Thank you.

Senator MERKLEY. Thank you very much.

Senator SHAHEEN. Thank you, Senator Merkley. Senator Reed.

Senator REED. Thank you very much, Madam Chair. And thank you, Madam Secretary. First, let me thank you for joining us in Newport a few days ago for the groundbreaking on the NOAA Atlantic Ocean Center. It is going to add to the vitality of Rhode Is-

land as a hub, and I use the word very explicitly, for the blue economy. And coupled with the NOAA presence, the Coast Guard presence, the Navy presence, the University of Rhode Island's School of Oceanography, and just across the border, Woods Hole, et cetera, this is a place where ocean technology can and will take over—take off.

We have, as no surprise, I will echo the chorus about the tech hubs, we have put in an Ocean Tech Hub, you were gracious enough to let me come to the office and talk about it. And we feel it is going to be a great asset for the country, not just Rhode Island. And I would hope you could give us an idea of when the announcements will be made for phase two, but also any other comments that you have.

Secretary RAIMONDO. Well, thank you for coming to the office to highlight the benefits and advantages of that program. As I have said, I have been overwhelmed by the quality of tech hubs and Rhode Island is no exception. I hear you. I know how great the application is.

We will be making announcements this summer. So you know, June/July timeframe, we will be making the announcements.

Senator REED. Well, again, you will make it, I am sure, with wisdom and commitment to the merits of the program, but thank you for your attention to our effort in Rhode Island.

I want to switch gears a bit, one of your agencies, the Bureau of Industry and Security, has the obligation to promulgate regulations for exports, et cetera, and one of the problems we have discovered is the export of U.S.-made firearms and ammunition which has been diverted to impact on national security, diverted to drug trafficking gangs, political violence, et cetera.

The BIS has put forward a new rule after months of work that will better align our national security and foreign policy objectives. Can you explain to the Committee the process that the BIS went through and how it protects our national security?

Secretary RAIMONDO. Yes, so we received information that many of the guns which we were exporting were being diverted to terrorists, drug cartels, drug lords, criminals in other countries. So we paused and we studied it for a number of months. At the end of May, we are coming out with new regulations. The pause will end when we have new regulations.

The State Department has given us 36 countries that they believe are problematic, political instability, narcotics, et cetera, and we are having much tighter scrutiny of gun exports to those countries.

What I would say is, this is a narrowly targeted regulation focused on enhancing our national security. It will affect less than 10 percent of all of our country's gun exports. It is not a broad ban on gun exports; it is a narrow, narrowly targeted restriction to improve U.S. National Security.

Senator REED. Thank you, Madam Secretary. Let me just conclude with mentioning the NOAA Narragansett Laboratory, which is across the bay from the NOAA Newport Laboratory that is being built, actually the headquarters. Cuts in the Cooperative Research Budget are severely and potentially going to limit the research that is done at the Narragansett Laboratory. Cooperative research is in-

credibly important, and I would like to work with you and the Department to continue to resource that work at the Narragansett Laboratory.

Secretary RAIMONDO. We will do that. As I said earlier, it is a very challenging budget. In NOAA, we decided to prioritize weather satellites, which are expensive but necessary. I suppose the only good news is there is $31 million for offshore wind in the NOAA budget, but yes, we will work with you to do everything we can.

Senator REED. Well, thank you.

And Madam Chair, I think to emphasize the point that was made on my arrival, that all roads lead to Rhode Island, we should realize that Senator Britt lived in Rhode Island while her husband played for New England Patriots, which is my constituent. And by the way, her daughter, although born in Boston, also resided in Rhode Island, so all roads do lead to Rhode Island.

Secretary RAIMONDO. Proof, further proof.

Senator SHAHEEN. I can't even respond to that.

Secretary RAIMONDO. New England's road leads to New England.

Senator SHAHEEN. That is right. New England is fine.

Secretary RAIMONDO. Thank you.

Senator SHAHEEN. I don't think we are expecting any other Senators, but I do have a couple of final questions. I want to go back to some of the coastal programs that have been mentioned by a number of us. Sea Grant, IOOS, the National Oceans and Coastal Security Fund grants, all of those programs are critical. And again, I understand it is a tight budget, and I understand you had to make cuts, but those are programs that I don't think we can let be reduced to the extent that they are or zeroed out.

Another one is the NOAA Hydrographic Mapping effort, which includes the Center of Excellence for Operational Ocean and Great Lakes Mapping and Joint Hydrographic Center; those are important partnerships for the University of New Hampshire. So we are going to be looking for ways in which we can continue funding there. And will you commit to work with me to continue those efforts?

Secretary RAIMONDO. Yes. I mean, absolutely, let us work together. There is no—we don't deny the importance, as I said earlier, or maybe I didn't say it, we are endeavoring wherever we can to use Infrastructure Law monies and IRA monies to make up for some of these losses. But yes, I would look—let us work with your staff and see what we can get done.

Senator SHAHEEN. Well, thank you. The other issue that I have is also related to coastal concerns and fishing. You heard from Senator Murkowski, the challenges, in Alaska. As you know, those are significant challenges in New England as well.

The groundfish surveys in the northeast have really been critical. I understand there are concerns about issues with the NOAA research vessel, the *Bigelow*, which has been doing a lot of those surveys. So what is the plan for mitigating the loss of the *Bigelow* while it is out of service for maintenance?

Secretary RAIMONDO. Um-hum. We have a plan. It is out of service for maintenance, we actually have, and I would be happy to have my staff give yours a full comprehensive plan, for how we will deal across the fleet, when the vessels are taken offline for mainte-

nance to make sure that we continue to do the work that we need to do.

Senator SHAHEEN. Good. Well, we look forward to hearing that. Another effort that has been really critical for States like New Hampshire that have very few, sadly, very few fishermen left, is the At-Sea Monitoring Program, and the effort to provide assistance for that monitoring so the cost doesn't all fall on the fishing industry, has been critical. Can you talk about how this effort is going? In 2024 we provided funding to integrate that program and the stock assessments. Is that moving forward, and what do you see as the outcomes of that research?

Secretary RAIMONDO. You have talked about this with me before. I would say it is moving forward. But once again, I think the best next step, is to have a team come over and give you a full briefing about where we are.

Senator SHAHEEN. Great. We would like that, and appreciate that. And I think there may be some other Senators on the Committee who would be interested in that as well, so hopefully we can invite them.

Secretary RAIMONDO. Let us do it.

Senator SHAHEEN. Okay. Well, thank you.

ADDITIONAL COMMITTEE QUESTIONS

At this point, I will close the hearing, if there are no further questions this afternoon. Senators may submit additional questions for their official hearing record, and we hope that the Department can answer those questions, to the extent there are any, within 30 days.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO SECRETARY RAIMONDO, DEPARTMENT OF COMMERCE

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN, III

Question 1. In March 2024, NOAA held a technology workshop regarding the technologies and data available that can be deployed to help reduce the risk of North Atlantic Right Whale (NARW) vessel strikes. The workshop made it clear that there is robust technology in existence today to help reduce risk without the need for blanket area access closures.

1A. Why has your department not considered technology mandates as a means of alternative management for reducing the risk of vessel strikes?

Answer 1A. Endangered North Atlantic right whales are at risk of extinction, and we must reduce the threat of lethal vessel strikes. Just this year alone, we have documented four fatal vessel strikes for right whales. NOAA Fisheries strongly supports the development and testing of vessel strike risk reduction technologies. However, there are currently no technologies available that have been proven to reduce the risk of vessel collisions to right whales, which is why we are investing in the development, evaluation and ultimately, the implementation of technological solutions using IRA funding.

1B. In light of the significant technology available, would your department not agree that implementation the proposed rule should be delayed, to instead consider pushing for the use of available technologies that can better reduce the risk of vessel strikes without jeopardizing vessel operator safety and coastal economies?

Answer 1B. As noted in my written testimony, North Atlantic right whales are among the most imperiled species on the planet, with vessel strikes and entanglement in fishing gear killing over 200 right whales since 2011. The Endangered Spe-

cies Act and the Marine Mammal Protection Act mandate action to prevent the extinction of this species and further its recovery. In 2021, NMFS released an assessment of its existing speed regulations, and while the assessment found that current regulations have reduced vessel-strike related serious injuries and mortalities of right whales, it also highlighted the need for additional action. NOAA is exploring and investing in technological solutions as part of our overall Road to Recovery efforts, but until they are fully developed, evaluated, and implemented, an effective vessel speed rule remains critical for the survival of this species.

Question 2. We in Congress have made significant investments in broadband infrastructure funding through the IIJA. In particular, we are dedicating $42.5 billion through NTIA's BEAD program to help close the digital divide—an issue we're all too familiar with in West Virginia. While BEAD was a record new investment, we know it the dollars will stretch further if we align the rollout with previously-approved broadband funding, such as the FCC's 5G fund.

2A. Can you discuss the work you and the FCC have done to ensure that the BEAD money and prospective 5G Fund complement each other, so they can have the greatest impact in closing the digital divide!

Answer 2. The National Telecommunications and Information Administration's (NTIA's) Broadband Equity Access and Deployment (BEAD) Program is focused on providing high-quality fixed broadband Internet service to residential and business locations (Broadband Serviceable Locations) in all U.S. States and territories, while the Federal Communications Commission's (FCC's) 5G fund is focused on support for mobile broadband Internet services. These programs are complementary because consumers value high-quality fixed broadband Internet services to their homes and businesses as well as the mobility provided by high-quality mobile broadband Internet services. In the BEAD Program, we expect Eligible Entities will use a mix of technologies, including fixed wireless, to connect their unserved and underserved locations. In addition, the BEAD Program Notice of Funding Opportunity recognizes the unique characteristics of fiber to "ensure that the network built by the project can easily scale speeds over time to . . . meet the evolving connectivity needs of households and businesses" and "support the deployment of 5G, successor wireless technologies, and other advanced services."[1] Driving more broadband, including fiber, deeper into our communities supports both connecting more households to broadband and advanced wireless services.

Question 3. In the recent tin mill dispute, the International Trade Commission (ITC) rejected the Commerce Department's findings that tin mill from several countries had injured domestic industry. In rejecting injury and AD/CVD remedies, that ITC affectively shuttered the Cleveland-Cliffs Weirton, West Virginia facility, which will result in over 900 job losses primarily from West Virginia and Ohio. The ITC is meant to be an independent, non-partisan body governed by an equal number of Democrats and Republicans reflecting a diversity of views. Currently, two Republican vacancies exist, and of the four active commissioners, three are serving on expired terms.

3A. Do you agree that having a fully staffed and fully functioning ITC is critical to protecting American businesses and workers?

Answer 3. The United States maintains a bifurcated trade remedies system in which Commerce measures the amount of dumping and/or subsidization. Concurrently, the U.S. International Trade Commission (ITC), an independent agency, examines whether the U.S. industry has been materially injured, or threatened with material injury, because of dumped or unfairly subsidized merchandise. Commerce and ITC determinations are made independently and are objectively determined solely on the factual evidence on the record before each agency. Both agencies' determinations are subject to litigation and remand orders from the courts. While we cannot speak to the ITC's specific staffing and workload, robust staffing for both Commerce and ITC is imperative for a well-functioning trade remedy system that protects domestic industry. Commerce has initiated 91 new AD/CVD investigations and is enforcing 690 AD/CVD orders thus far in fiscal year 2024. This is a historic workload for Commerce, and we continue to train and deploy all available resources to defend U.S. industries and workers against foreign competitors' injurious and unfair trade practices. As Commerce's workload increases, the ITC will also likely have additional workload to manage.

---

[1] Infrastructure Investment and Jobs Act, Public Law No. 117–58, § 60102(a)(2)(I) (2021).

Question 4. As you are likely aware, the U.S. imposes anti-dumping/countervailing (AD/CVD) duties on imported plywood from Vietnam that contains Chinese components. I strongly support efforts to crackdown on this transshipment of goods. Recently, a number of Vietnamese plywood exporters were placed on the Commerce Department's "blacklist" for failure to adequately respond to a Commerce Department questionnaire on the presence of Chinese components. As a result, a number of U.S. hardwood plywood producers became subject to an anti-circumvention review and determined to owe millions in duties despite Commerce still conducting an investigation. Seeing that this investigation is not final, premature imposition of duties to the tune of millions of dollars can seriously disadvantage American producers cooperating with anti-circumvention investigations.

4A. Will you commit to not levying financial penalties on firms until the anti-circumvention review process has reached finality?

Answer 4. As background, Commerce's administrative reviews are separate from its circumvention findings that certain plywood products from China, assembled/completed in Vietnam, are subject to duties. The circumvention inquiries were finalized in July 2023 and resulted in company and country-specific findings of circumvention. As a result, a certification program was implemented to permit exporters and importers from Vietnam to certify that their plywood is not produced using Chinese materials and, therefore, not subject to these remedial duties. Certain companies that did not cooperate with Commerce's request for information were found ineligible to participate in the certification program. Because this matter is in active litigation, Commerce cannot discuss the circumvention case further.

As part of the ongoing review of the AD/CVD orders on hardwood plywood from China, Commerce is allowing previously ineligible companies the opportunity to demonstrate that they are not circumventing the orders. Specifically, if companies cooperate with Commerce's requests for information, and demonstrate that they can adequately track their production and shipments of plywood, they will be able to participate in the certification regime, meaning that they would not be subject to duties during the pendency of the review. If companies can demonstrate that their prior plywood shipments are not completed in Vietnam using certain Chinese inputs, the estimated duties collected thus far will be refunded after the final results of review, which are anticipated in late November 2024.

QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

Question 1A. The Department of Commerce's Bureau of Industry and Security is a small, but increasingly critical agency, whose work developing the US export control protocols is growing in significance. It's important that we prioritize this work and speak to its significance in meeting our national security objectives.

How would reducing the BIS's budget hinder our capacity to implement export controls and prevent us from stopping US investment into key Chinese technologies?

Answer 1A. The 2025 President's Budget provides BIS with the funding needed to meet its mission-critical objectives, as the pace of technological development is not slowing, and the geopolitical threat landscape is only becoming more complex. Without the funding in the 2025 Budget, BIS's ability to carry out its mission will be diminished in the following areas:

—*Information Technology (IT) Systems and Security.*—Reductions in IT investment will impair BIS's ability to incorporate all-source data during the license application review process. This includes critical data generated by both the U.S. Government and the private sector. An efficient and secure IT infrastructure is essential for timely and accurate decisionmaking in export control processes.

—*Data & Analytics.*—Reductions in funding for data and analytical tools will limit BIS's access to proprietary datasets and a modern data analytics system. These tools are essential for understanding critical supply chains and the intricacies of entity-business relationships. Without these resources, BIS's ability to make informed decisions regarding export controls will be significantly hampered.

—*Enforcement.*—Budget reductions will result in fewer agents and analysts both in the United States and abroad, thereby reducing BIS enforcement outcomes, to include the number of: transactions identified as possible violations; end-use checks conducted abroad to determine the bona fides of foreign parties, disposition of U.S. exports, and inform licensing decisions; parties nominated for addition to the Entity List; and investigations that can lead to criminal and/or ad-

ministrative sanctions to penalize violators and deter future non-compliant behavior.

—*Specialized, In-House Expertise.*—Reductions will limit access to experts across critical fields and contracts with national labs and agreements with other relevant entities to provide specialized access to up-to-date, cutting-edge technologies and markets, as well as economics and supply chain management.

—*Outbound Investment.*—Reductions will limit BIS's ability to fully implement its responsibilities under this program when it is fully enacted. BIS, along with the International Trade Administration, will be the primary bureaus responsible for Commerce's work on the outbound investment program. BIS will bring its technical expertise to bear in reviewing notifications submitted under the outbound investment program. Reductions in BIS resources will limit BIS's ability to provide thorough analysis of the notifications to help Commerce and Treasury determine how and whether to amend the scope of the technologies subject to the program in the future as technological threats evolve.

—*Domestic and International Policy Engagement.*—Reductions will deteriorate the critical investments made in interagency policy coordination and reduce support to multilateral partnerships that arose in the wake of Russia's full-scale invasion of Ukraine and that also support coordinated actions related to the People's Republic of China's semiconductor industry. The need for new bilateral and multilateral partnerships will continue for the foreseeable future as the People's Liberation Army aims to reinforce and consolidate its influence in critical global supply chains that span the Middle East, the African continent, Southeast Asia, and beyond.

Question 1B. Our economic competition strategy can be bolstered by the US thinking about the end goal. We currently have mechanisms in place to analyze, research, and expand investment screening, in order to coordinate both internally and work with our allies to increase multilateralism.

How can expanding upon the BIS's work not only improve the efficacy of export controls as a security tool, but also demonstrate the merits of these capabilities to our allies and potential future partners in this realm?

Answer 1B.

—*Enforcement Partnerships.*—Effective enforcement protects U.S. national security and ensures that companies, both domestic and foreign, that invest in an export management program are not placed at a competitive disadvantage by those that cut corners. BIS Export Control Officers (ECOs) play a critical role in this regard, identifying non-compliance that can predicate BIS investigations as well as working with foreign companies to enhance their compliance with U.S. export controls and building capacity with government partners to enforce coordinated controls. BIS's FY 2025 budget request includes the addition of four ECOs to perform these functions and liaise with allies and partners. These include making permanent our ECO positions in Finland and Taiwan, critical partners in our effort to prevent Russia and China from acquiring advanced U.S. technologies like semiconductors and quantum compute capability, as well as establishing new ECO positions in the Western Hemisphere to enhance export control systems across Latin and South America and safeguard U.S. technology from misuse (e.g., diversions of firearms to support transnational criminal organizations) or misappropriation by nation state adversaries like China, Iran, and Russia whose trading relationships are increasing in the region. These investments will increase export control cooperation across the globe as well as protect U.S. national security.

—*Advanced IT Systems and Analytics.*—Investing in advanced IT systems and data analytics allows BIS to process and analyze large volumes of data efficiently. This capability is crucial for vetting parties to license applications, identifying violations in real time, and evaluating the effectiveness of export controls, thereby enhancing U.S. national security.

—*Engaging Allies and Partners:*
—*Interagency and International Collaboration.*—Expanding BIS's efforts can enhance collaboration with other U.S. agencies and international partners. Sharing best practices, information, and technological resources enhance implementation, enforcement, and alignment of export controls. This cooperative approach not only improves global security but also helps ensure a level playing field for U.S. and allied industry.
—*Showcasing Success Stories.*—Through successful case studies and transparent reporting, BIS can showcase how effective export controls have prevented unauthorized transfers of critical technologies. These success stories can be powerful tools in convincing allies and potential partners of the importance and effectiveness of administering and enforcing export controls.
—*Training and Support Programs.*—In cooperation with other U.S. Government agencies, such as the Department of State's Export Control and Related Border Security (EXBS) program, BIS can expand its training and support programs for allies, helping them develop their own export control and enforcement capabilities. This includes offering technical assistance, training workshops, and sharing regulatory and enforcement expertise. Such initiatives not only strengthen global security but also foster closer cooperation between the United States and its allies. Enhanced training programs and technical support are essential for ensuring that allies can effectively implement and enforce export controls.

Question 2. The International Trade Administration plays a key role in facilitating US competitiveness, and reducing its budget to FY22 levels is directly undermining our own efforts to compete in the increasingly complex global economy. This is a threat to our nation's industries and our efforts at remaining economically viable, building out resilient supply chains, and expanding technological leadership in collaboration with our trade partners.

Question 2A. How would cutting funding for the International Trade Administration's supply chain resiliency efforts and outbound investment analysis reduce US competitiveness? Would this make it harder for US businesses to compete globally?

Answer 2A. Cutting funding to FY 2022 levels would have a significant negative impact on ITA's ability to deliver not only on both supply chain resiliency and outbound investment efforts that help ensure that U.S. firms can compete in a global marketplace but would also hinder ITA's broader export promotion efforts and the ability to protect American businesses from unfair trade practices abroad.

ITA's supply chain resilience and outbound efforts are led out of its Industry & Analysis business unit (I&A), which is working to serves as the analytic engine for supply chain resilience policy within the U.S. Government. Returning I&A to FY 2022 levels would roll back the additional $10.85 million investment that the Congress made in I&A in FY 2023, which we used to establish a small team for a first-of-its kind Supply Chain Center (SCC) and to add staff responsible for critical sectors and emerging technologies important to U.S. economic security. It would jeopardize I&A's ability to fulfill its role in implementing Executive Order 14105, "Addressing United States Investments in Certain National Security Technologies and Products in Countries of Concern". In addition, it would cut into I&A's longstanding efforts to promote and protect U.S. businesses by helping them compete in a global marketplace, grow their exports, and strengthen the supply chains on which they depend.

Rolling back this funding would:

—Diminish our ability to invest in the data needed to engage in proactive and predictive work on key supply chains that would inform hundreds of billions of dollars of economic activity.
—Hinder our ability to provide the sector-specific industry expertise needed to identify and mitigate supply chain risks across crucial industries and to prevent U.S. private capital from financing adversary advances in critical sectors that undermine U.S. national security.
—Delay response times in identifying and resolving supply chain issues impacting U.S. firms.
—Diminish our capacity to mitigate trade barriers impacting U.S. companies' ability to export to foreign markets.
—Prevent the USG from more aggressively pursuing challenges and leave United States industries more vulnerable to national security threats from adversary strategy in supply chains.
—Diminish our ability to advise the White House, the Department of Defense, Department of Energy and other US agencies on programs and investments re-

lated to specific supply chains and to proactively identify and address supply chain chokepoints for emerging technologies.
—Hinder our ability to substantially expand industry engagement to fulfill the emergent and ongoing need to proactively communicate with industry representatives about the outbound program and answer the high volume of questions they will have as they seek to implement this new policy.

Question 2B. How does increasing the ITA's funding across multiple sectors—including new ventures like the Office of Critical Minerals and Metals—help bolster its work on strengthening US national security objectives?

Answer 2B. Increasing the International Trade Administration's funding across multiple sectors would greatly enhance its ability to support U.S. national security objectives. For example, ITA's Industry and Analysis (I&A) business unit is critical to U.S. Government supply chain work because of its broad and deep sectoral expertise, its analytical capacity, and its unique combined commercial and national security perspectives, which are at the heart of understanding and strengthening supply chains needed to advance U.S. economic prosperity and security. Though I&A has recently increased capacity to cover sectors that are critical to U.S. national security, including creating the Office of Critical Minerals and Metals, we do not have enough positions to provide the depth or breadth of coverage needed to adequately enhance U.S. competitiveness and national security, particularly for critical and emerging technologies.

I&A's sector and supply chain-related analyses are already used across the U.S. Government to support national security objectives. Additional funding would enhance I&A's ability to:

—Provide sectoral understanding and supply chain-related analyses for Committee on Foreign Investment in the United States (CFIUS) cases, helping to ensure that foreign investments do not jeopardize U.S. national security.
—Increase I&A's capacity to identify and advocate against technology, legislation, and regulatory issues jeopardizes U.S. technology leadership worldwide.
—Increase expertise in sectors targeted by the outbound program who have the technical fluency and industry relationships to understand and anticipate national security risks associated with cutting-edge technologies—both those currently covered and those that may need to be recommended to the President for future inclusion.
—Counter efforts by foreign adversaries to exploit U.S. technological breakthroughs and gain strategic leverage by seeking control over key supply chains.
—Expand a cross-sector supply chain risk assessment framework to inform U.S. Government decisions about which supply chains are most vulnerable, why, and how they can be strengthened and undertake additional proactive analysis to identify specific supply chain risks and provide concrete and actionable policy recommendations to get a head of potential vulnerabilities and disruptions.
—Provide strategic guidance to other bureaus and offices of the Department of Commerce, The White House, Department of Defense, Department of Energy, the Department of State, and other departments and agencies related to industry- and sector-specific competitiveness issues as they disburse billions of dollars in U.S. Government investments for supply chains.

Question 2C. How can Congress expand upon the work you're doing to ensure that we're prioritizing supply chain security comprehensively?

Answer 2C. Congress's support for the 2025 President's Budget request for $12 million for Industry and Analysis's (I&A) supply chain efforts would allow ITA to expand and institutionalize the Supply Chain Center and expand the cadre of industry experts working to support U.S. competitiveness and national security. This would enhance I&A's capability to provide sector-driven quick-turn analyses (e.g., related to crises or potential contingency scenarios that threaten or cause supply chain shortages); develop and implement a cross-sectoral supply chain risk evaluation framework; increase ITA's ability to proactively assess additional critical supply chains to develop U.S. Government-wide sector-specific strategies; support Commerce's work to expand domestic manufacturing related to critical supply chains; and provide strategic and substantive leadership to international supply chain coordination and collaboration initiatives. Moreover, as Congress contemplates codifying additional supply chain efforts through the Promoting Resilient Supply Chains Act (H.R. 6571/S.4375), additional resources may be required to further supply chain security.

In addition, supporting the 2025 President's Budget request for $5 million for I&A's outbound investment program would allow I&A to create a new office to man-

age its investment security activities under both the outbound and Committee on Foreign Investment in the United States (CFIUS) programs. The new staff will be used to create an outbound team and to create positions in I&A's sector offices for the target sectors. This would enhance I&A's ability to address national security challenges related to threats to U.S. supply chains.

Question 3. As the Chair of the Financial Services and General Government Subcommittee, I am currently reviewing the FCC's FY25 Budget Request. The FCC has requested $30M to sustain the National Broadband Map project. I understand that the success of the mapping project directly impacts the effectiveness of the Broadband Equity, Access, and Deployment (BEAD) Program that NTIA administers to help provide high-speed Internet access to every American.

Secretary Raimondo, what impact would stopping funding for the FCC's mapping effort through FY25 have on the NTIA's work?

Answer. The Broadband Equity, Access, and Deployment (BEAD) Program and other Federal broadband grant programs are dependent on the Federal Communications Commission's (FCC's) National Broadband Map and Broadband Funding Map (BFM) to identify broadband availability and federally funded broadband infrastructure projects. Without the FCC's mapping efforts, there will not be a single source of data that enables NTIA and other Federal agencies to identify locations that lack access to reliable broadband, which could leave many people unconnected. In addition, the information included in the BFM allows Federal agencies to consider whether locations are already funded by another Federal agency, which is important to limit potential duplicative Federal funding. Finally, NTIA intends to leverage the data tracked in the BFM to develop the annual Federal Broadband Funding report and dashboard, as mandated by the ACCESS BROADBAND Act.

Question 4. In the Chesapeake Bay watershed, we have been hit hard by invasive catfish and snakehead, which are decimating our blue crabs and striped bass populations, among other species. We rely on the partnership of NOAA Fisheries to protect the health of the Bay, and I appreciate the work that's been done to date with the Chesapeake Bay Program on invasive catfish and snakehead. NOAA can and should continue to be a key resource in addressing fishery management challenges in the Chesapeake by, for example, conducting comprehensive scientific and technical studies on invasive catfish and snakehead in the Chesapeake and through environmental education initiatives.

Secretary Raimondo, can I count on NOAA to work with us to advance management efforts of invasive catfish and snakehead in the Chesapeake Bay?

Answer. NOAA leads the Chesapeake Bay Program's Invasive Catfish Workgroup, which coordinates activities and recommends actions to implement the five policy objectives outlined in the Invasive Catfish Policy Adoption Statement.[1] The Workgroup emphasizes bay-wide communication among jurisdictions and engagement of a broad group of members representing the commercial and recreational fishery, seafood processing industry, state agencies and the science community.

Recently, the NOAA Chesapeake Bay Office worked with fisheries managers in the Maryland Department of Natural Resources, Virginia Marine Resources Commission, and the Potomac River Fisheries Commission on a new commitment to develop management strategies to minimize the spread and ecological impacts of invasive catfishes in the Chesapeake. The management strategies will use the best available science and consider the diverse interests of stakeholders, support ecosystem health, and increase public awareness.

NOAA also coordinates effective management and recovery of Chesapeake Bay species using ecosystem-based science to inform fishery management decisions that cross state boundaries. We are committed to working with jurisdictions through the Chesapeake Bay Program should they identify actions for snakehead control/management.

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

Question 1. Secretary Raimondo, foreign-owned semiconductor fabrication companies already receive substantial direct and indirect subsidies from the governments of the countries they are headquartered in. American companies that receive funding from the CHIPS and Science Act are thus at a competitive disadvantage with

[1] https://d38c6ppuviqmfp.cloudfront.net/channel__files/17972/final__catfish__policy__git__1-24-12—(with__signatures).pdf.

foreign companies who receive similar awards, all else being equal. How is the Department of Commerce factoring this in when determining its awards?

Answer. The CHIPS Program Office (CPO) is evaluating applications based on the statute and the evaluation criteria listed in our funding opportunity. The statute and the evaluation criteria direct CPO to select projects—whether they are proposed by domestic or international companies as long as the projects are in the United States—that contribute towards the United States and its economic and national security. Each applicant provides CPO with an incentive justification in which they explain how the CHIPS Incentives requested will incentivize the applicant to make investments in facilities and equipment in the United States that would not occur in the absence of the incentives. That narrative provides applicants an opportunity to describe international alternatives and any perceived competitive disadvantages, and CPO will consider any and all relevant factors in its assessment.

Question 2. Secretary Raimondo, what steps are being taken by the Bureau of Industry and Security to modernize its IT infrastructure and data analytics capabilities to ensure that our export controls are enforced as effectively as possible, and what additional Congressional resources could be provided for this effort?

Answer. The 2025 President's Budget requests a $3.5 million increase for BIS IT systems modernization and a $4 million increase for technical expertise on technologies, markets, and trade tools. This was an initial investment in positioning BIS for the future. Facing more export license applications, more items subject to export controls, a more sophisticated threat environment, and rapid advances in technology, BIS's underlying IT systems have become antiquated, constraining its ability to achieve an expanded, 21st- century mission. Therefore, BIS requests full congressional support for its FY 2025 Budget Request to begin laying the groundwork for this mission critical IT modernization effort.

QUESTIONS SUBMITTED BY SENATOR GARY PETERS

Question 1. Secretary Raimondo: In fiscal year 2024, I supported the Department's budget request of $1.6 billion dollars for the Census Bureau. This funding is critical for decennial Census preparations, key surveys, and improvements to make the Census Bureau more efficient in the long run.

The 2024 enacted level was significantly reduced—over $220 million below the President's request, and $103 million below FY23 levels. The Bureau is now in the middle of critical 2030 preparations that are necessary to help ensure the census is accurate—and budget shortfalls now can actually cause risks and increased costs down the line.

As you know, an accurate census is essential for all communities.

As you know, an accurate census is essential for all communities. How is the reduced FY24 funding level currently affecting the Census Bureau, in terms of reduced operations or trade-offs? I would appreciate if the Commerce Department and the Bureau could send me a documented impact statement about these FY24 funding effects.

Answer.

FY 2023 vs FY 2024 Enacted Comparison by activity/subactivity: (dollars in thousands)	FY 2023 Enacted	FY 2024 Request	FY 2024 Enacted change from FY 2023 Enacted
Current Surveys and Programs (CS&P)	.....	.....	.....
Current Economic Statistics	$220,627	$215,997	$(4,630)
Current Demographic Statistics	109,373	112,503	3,130
CS&P Sub Total	330,000	328,500	(1,500)
Periodic Censuses and Programs (PC&P)	.....	.....	.....
Periodic Economic Statistics	184,126	162,254	(21,872)
Decennial Census	642,481	599,861	(42,620)
Geographic Support	112,201	112,201	.....
Enterprise Data Collection and Dissemination Systems	216,192	179,684	(36,508)
PC&P Sub Total	1,155,000	1,054,000	(101,000)

FY 2023 vs FY 2024 Enacted Comparison by activity/subactivity: (dollars in thousands)	FY 2023 Enacted	FY 2024 Request	FY 2024 Enacted change from FY 2023 Enacted
Census Bureau Total	1,485,000	1,382,500	(102,500)

The FY 2024 Current Surveys and Programs appropriation of $328.5 million is $1.5 million below the level provided in FY 2023. Within this amount, the Census Bureau will be able to continue modernization efforts of the Current Population Survey, conduct the Survey of Income and Program Participation with an approximate 35,000 household sample, continue to fund the High Frequency Data Program at FY 2023 levels, provide marginal support for the Puerto Rico Economic Program, and partially fund the Population Estimates Program. However, supporting these initiatives requires the Census Bureau to reduce data collection efforts for new construction statistics and reduce data purchases that supplement data collection in areas such as retail sales.

The Periodic Censuses and Programs (PC&P) appropriation of $1.054 billion is $101 million lower than the FY 2023 enacted level. While PC&P programs are able to leverage available carryover and largely offset costs to maintain current critical operational needs, several programs will experience operational impacts and delays. Specifically, within the Decennial Census program, the 2030 Census will be able to continue its research and planning efforts in FY 2024 using a combination of FY 2024 appropriated funds and available carryover. However, slowdowns in preparation and IT solution development introduce increased readiness risk for the mid-decade field testing and contract award schedule risks, some of which could be exacerbated without full support for the FY 2025 President's Budget. In addition, failure to receive the funds requested in FY 2025 could result in delays to the development and testing planned for the 2026 Census Test until the 2028 Dress Rehearsal as well as delay expansion of planning and operations staffing support for the 2030 Census. Within the Enterprise Data Collection and Dissemination Systems program (EDCADS), Center for Enterprise Dissemination Services and Consumer Innovation (CEDSCI) development and system upgrade activities will be significantly curtailed, and 24-hour operational support will have to be scaled back, which could increase the risk of system instability and outages, affecting user experience and public data search capabilities. EDCADS will also have to significantly reduce the level of effort in the Research and Applications initiative, which started in FY 2023, delaying methodology development for moving major surveys from interviewer-administered data collection, which is becoming cost prohibitive, to self-administered data collection, and constricting the Census Bureau's ability to contribute to the Department of Commerce's evidence-building infrastructure and services across the Federal government.

Question 2. I was proud to help champion and pass the CHIPS and Science Act to boost American manufacturing, bring down the price of consumer goods, and jumpstart U.S. competitiveness.

But another promise of the CHIPS and Science Act is good paying jobs for Americans—including union jobs. Recent reporting from the Bureau of Labor Statistics shows an $18 per hour median hourly wage for operators or assemblers at semiconductor plants—the largest group of workers.

The median hourly wage for semiconductor production technicians is $23 per hour. These averages fall short of the six-figure salaries we believe this industry can and should deliver in the U.S. as this industry ramps up.

What is your Department doing to ensure the manufacturing jobs created through this historic investment provide good wages and benefits—and the opportunity for workers to join a union?

Answer. As part of the process of applying to receive CHIPS funds, applicants must create and submit workforce plans for both their construction and facilities workforce. In both of these plans, they must detail how they plan to abide by Good Jobs Principles developed jointly by the Departments of Commerce and Labor; one of these principles is worker empowerment and representation.

While terms are subject to negotiation with applicants prior to final award, DOC has developed a number of standard terms for negotiation that it is prioritizing in the due-diligence process. These include, but are not limited to, workforce safety standards and worker safety committees, establishment of facility staffing targets, and ongoing reporting, such as reporting on applicant's adherence to the Good Jobs

Principles. Noncompliance with Federal labor laws may affect distribution of milestone payments.

Finally, on top of OSHA standards, the DOC team has worked to ensure that companies are required to meet the highest recognized safety standards for workers and that worker safety committees are required in CHIPS awards. CHIPS will require that recipients of Federal funding will review all chemical occupational exposure levels (e.g., OSHA, ACGIH, and NIOSH) and apply the lowest limit (most protective) for each chemical used in its operations. The terms in the final award documents about worker safety committees will mirror what is in DOC's BEAD Program, which has been raised as a best practice by worker advocates. These committees will give workers a voice in directly shaping their workplace's safety policies.

Question 3. I want to thank you for all your hard work to curtail the Chinese government's access to advanced semiconductor technology, including through export controls.

As you well know, these efforts will be most successful if they are multilateral. Otherwise, U.S. market share in China in sectors like semiconductor tools may be easily supplanted by Dutch or Japanese sources and fail to slow Chinese development of leading-edge technology.

Can you discuss what steps your Department is taking to make export controls multilateral to improve their effectiveness?

Answer. As outlined in the Export Control Reform Act of 2018 (ECRA), multilateral controls are more effective than unilateral controls. The Bureau of Industry and Security (BIS) regularly consults with foreign governments on export control matters, including within the four multilateral export control regimes and on a bilateral basis. As Congress noted in ECRA, "[e]xport controls that are multilateral are most effective[.]" If other countries supply the same types of items that the United States restricts, the U.S. controls will be less effective for two reasons. First, the countries or parties of concern will still acquire the items at issue. Second, U.S. technology leadership will be threatened if foreign competitors can undercut U.S. companies and earn revenue to invest in research and development. Thus, coordinating with allies and partners helps keep a level playing field for U.S. companies and helps to maintain U.S. technology leadership and competitiveness, all of which contribute to national security, as described in ECRA.

As demonstrated by BIS's unilateral action to issue its October 7 rules to restrict the PRC's access to advanced computing and semiconductor manufacturing, the U.S. reserves the right to act when our national security interests require it. However, we continue to prioritize engagement with international partners and allies to bring them on board and implement substantially similar controls.

Question 4. I appreciate the work Commerce has done in recent years to place problematic biotechnology companies on the Entity List.

In February, I joined a bipartisan letter urging Commerce to investigate the ties that WuXi AppTec and its subsidiary, WuXi Biologics, have to the Chinese Communist Party and People's Liberation Army and whether their integration into our healthcare system threatens our national security.

Can you describe what steps your Department is taking to investigate these companies?

Answer. As further detailed in our response to your February letter, BIS and our interagency partners regularly review available open-source, proprietary, and classified information to identify parties of concern warranting addition to the Entity List, including input from members of Congress. While BIS is unable to disclose information related to potential interagency deliberations on any particular entity, BIS has added certain entities in the People's Republic of China (PRC) to the Entity List for activities contrary to U.S. national security and foreign policy interests, including the harvesting of genetic data for use in campaigns of repression against minority groups, as well as for activities related to military purposes.

QUESTIONS SUBMITTED BY SENATOR SUSAN M. COLLINS

Question 1. In January 2024, Maine experienced back-to-back massive coastal storms resulting in unprecedented damage to critical infrastructure, including roads, piers, wharfs, bridges, causeways, and docks. The destruction was catastrophic for commercial fishermen who depend upon this infrastructure for their livelihoods. In response, we included $10 million in the FY 2024 funding bill to help repair and renovate infrastructure damaged in recent storms.

Could you please give me an update on how soon that urgent funding will be obligated and out the door?

Answer. We received the application from the Atlantic States Marine Fisheries Commission for this project. Our budgetary, environmental, and administrative reviews of the application were completed on June 28, 2024 . Funds were obligated in September of 2024. All funds are available to the Atlantic States Marine Fisheries Commission.

Question 2. For almost twenty years, NOAA has supported approximately 50 fishing vessels in the Northeast, as a way to engage fishermen in collecting data to address fishery science and management needs. This has been a very successful program, in part because these hardworking men and women know the waters where they work and know when and where to look for fish any given day.

Why does the President's budget request propose to cut the cooperative fisheries research program by $10 million? Do you share my concern that cutting fishermen out of the science that underpins fishery management decisions will further the narrative that NOAA is not relying on the best available expertise?

Answer. The Cooperative Research program will have approximately $3.7M available, with which NOAA Fisheries would focus on maintaining fisheries survey coverage by retaining current key cooperative fishery-independent surveys across the country, and leveraging recreational and commercial fishing vessels as survey platforms (in consultation with regional stakeholders, Fishery Management Councils, and Commissions). NOAA Fisheries is dedicated to taking cooperative partnership approaches with the fishing industry, academia, and state partners, and is utilizing Inflation Reduction Act funds to improve our overall science and survey enterprise, and better address ecosystem changes associated with climate change.

Question 3. Recently, the Department's Office of Inspector General issued a Management Alert for the BEAD program that was based on industry stakeholder feedback. It raised issues with the BEAD Notice of Funding Opportunity's fiber preference driving up costs, the possibility of overbuilding by excluding consideration of certain spectrum or satellite, permitting delays, and workforce shortages.

Can you please give us an update on how NTIA is working through the challenges outlined in the Management Alert, consistent with congressional intent? In particular, how you are addressing the IG's concerns about the fiber preference, and what oversight actions are you taking to prevent overbuilding?

Answer. The National Telecommunications and Information Administration (NTIA) appreciates the Inspector General's (IG) engagement to ensure our programs operate with the highest integrity. The IG's Management Alert relayed industry challenges and policy positions that have been known to NTIA and stakeholders since 2022. Indeed, these issues—from the prohibitively high cost of extending fiber optic networks to some remote areas to the need to streamline permitting to readying the telecom workforce to meet the moment—have been continually addressed by NTIA, including in the Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity (NOFO) released in 2022 that provides states the flexibility they need to successfully implement the BEAD Program.

The BEAD Program NOFO recognizes there is no "one-size-fits-all" approach to broadband deployment given each Eligible Entity's unique challenges, and NTIA will ensure that the Eligible Entities have flexibility in identifying the technical solutions that meet the needs of their communities. As a result, the NOFO creates room for all strategies and allows applicants to propose to provide service over any form of reliable broadband service, including terrestrial fixed wireless over licensed spectrum in certain circumstances. It also permits funding of projects utilizing alternative technologies, including low-Earth orbit and unlicensed wireless service, for the locations where the cost to deploy a "reliable broadband service technology" exceeds the Eligible Entity's identified "Extremely High Cost Per Location Threshold." NTIA has worked, and continues to work, with Eligible Entities, as they develop solutions to these and other challenges that meet their unique needs.

NTIA works to limit duplication of funding through a variety of mapping analyses and robust interagency coordination. We are committed to overseeing the BEAD program to ensure that NTIA and Eligible Entities are careful stewards of Federal funds and that those funds are directed where they are most needed, consistent with the statute's definitions and priorities.

Question 4. Section 301 tariffs have been imposed on China due to that country's poor record on technology transfers and intellectual property. It is important that in imposing these tariffs, however, we consider the ramifications to our nation's small businesses.

For example, Hussey Seating is a Maine-based small business that produces and sells spectator seating for venues across the United States. This family-owned business must use a set of molds and tools that are only produced in China. I support an exclusion process to ensure that U.S. small businesses, like Hussey Seating, are not unintentionally and unnecessarily harmed by efforts to crack down on China's illegal trade practices.

How are you encouraging the USTR and the President to protect American small businesses like Hussey Seating when it comes to Section 301 tariffs?

Answer. American small businesses are essential to our economy, and the current Administration and Department of Commerce are committed to supporting them. Over the course of the China Section 301 tariff four-year review, 70 analysts from ITA lent their expertise to paint a comprehensive picture of domestic production and supply chains. And, over the summer, DOC staff thoroughly reviewed the public comments collected by the Office of the United States Trade Representative (USTR), including those from small businesses. Those comments were instrumental in shaping our recommendations for the interagency.

Question 5. I am concerned about the Section 321 Loophole, or the China Tariff Loophole, where by brands lower their import fees by re-directing shipment through other countries, such as Canada and Mexico, and trucking them into the United States. This allows them to avoid certain duties and taxes by breaking apart their imports into smaller bundles. This has created an unfair business landscape that disadvantages U.S. manufacturers, like New Balance, which has three factories in Maine.

What steps is the Department, along with other entities in the Administration, taking to address this loophole?

Answer. The Department has been assessing the impact of Section 321 ("de minimis") shipments on the textile, apparel, and footwear industries, along with the availability of existing policy tools that could be used to address the increase in de minimis shipments, including from China. My team at Commerce understands the importance of this issue to our domestic industries and will continue to solicit views from stakeholders. Furthermore, the Biden Administration recognizes the complexity surrounding de minimis shipments and is working steadfastly across the interagency to address the matter.

Question 6. I was alarmed by reports last year that Iranian drones used in Ukraine were built with numerous parts from American companies. It is unacceptable that American-made technology could be used by Tehran and its proxies to attack U.S. interests. I appreciate the Department's efforts on this issue, including providing an advisory to companies to help ensure they are not inadvertently supplying drone components to Iran.

Please update the Committee on the Department's work to curb illegal exports to Iran, particularly with regard to components that could be used in systems to attack Americans. Does the budget request provide the resources necessary to adequately enforce export restrictions on Iran?

Answer. BIS is committed to preventing Iran and its proxies from illicitly acquiring Export Administration Regulations (EAR) items through aggressive enforcement of our controls. BIS uses all of the tools at our disposal to identify illicit procurements and prevent such efforts, including by working with U.S. companies to identify and not fill orders as well as with law enforcement partners, such as Customs and Border Protection, to detain shipments.

BIS and the Department of Justice also co-lead the Disruptive Technology Strike Force, which prioritizes interagency enforcement resources and authorities on efforts by nation state actors like Iran, China, and Russia to illicitly acquire our most sensitive technologies. Since the Strike Force was established in 2023, it has announced 24 publicly charged criminal indictments, including charging two Iranian nationals in February 2024 with conspiring to export equipment used in the aerospace industry to the Government of Iran, in violation of the International Emergency Economic Powers Act (IEEPA), in connection with an alleged conspiracy to illegally export U.S. goods and technology without the required licenses , as well as charging an individual in August 2024 with violations related to the procurement of U.S.-manufactured aircraft components, including components used on military aircraft. BIS and our law enforcement partners will continue to aggressively pursue enforcement actions against parties illicitly exporting items to Iran.

A critical resource for our enforcement program is the end-use check program, which identifies efforts of parties in third countries to circumvent U.S. export con-

trols involving Iran. For example, BIS Export Control Officers (ECOs) are stationed in strategic transshipment countries like Turkey, Singapore, and the United Arab Emirates to identify Iranian illicit procurements.

BIS's FY 25 budget requests to establish permanent funding for our ECO positions in Taiwan and Finland, as these are critical locations, given Taiwan's importance to the global semiconductor supply chain ecosystem and Iran's reliance on U.S. and western semiconductor technology, in addition to the strategic locations of Finland and the Baltics on Russia's border. Iran's expanding military relationship with Russia, such as an unmanned aerial vehicle co-production facility, would benefit from transshipments of U.S. items across the European Union.

Further, BIS will be able to counter Iran's efforts to grow economic ties in the Western Hemisphere if BIS's FY 2025 request to establish two new ECO positions in Central and South America are funded. These two positions will monitor U.S. exports throughout the region and identify diversion attempts. The actions of our ECOs predicate law enforcement leads that are then aggressively investigated by BIS Special Agents and can result in criminal and/or administrative penalties or regulatory action such as additions to the Entity List.

Question 7. There has been a surge of foreign boycott activities targeting Israel, such as Turkey's recent announcement that it will impose trade restrictions on Israel. Let me be clear, the Boycott, Divestment and Sanctions (BDS) movement seeks to stigmatize, delegitimize, and isolate the state of Israel.

This discriminatory targeting of Israel is counterproductive to achieving peace between Israel and the Palestinians, and damages U.S. interests in promoting stability and prosperity in the region.

What is the Department of Commerce doing to combat foreign boycotts of Israel, particularly with regard to Turkey's recent announcement?

Answer. Promoting on behalf of OMB BIS aggressively enforces the antiboycott regulations against U.S. persons who take action to comply with any unsanctioned foreign boycott imposed by a foreign country against a country friendly to the United States, including Israel. BIS has strengthened enforcement and compliance with these rules by raising penalty amounts and by publishing a list of entities who have been identified as having made a boycott-related request in reports received by BIS. This Requester List, established in March 2024 and updated quarterly, helps U.S. companies identify requesters of boycott-related terms and conditions, thereby facilitating compliance with our antiboycott regulations. It also has resulted in listed parties providing attestations to BIS in order to be removed from the Requester List affirming the removal of boycott-related terms and conditions and undertaking, going forward, to cease imposing boycott-related requirements and compliance therewith as a condition in commercial documentation with U.S. persons, thereby eliminating boycott-related requests at their source.

In addition, on May 14, 2024, following to Turkey's announcement that it would suspend all trade with Israel, BIS issued an antiboycott advisory. The advisory reminded all U.S. companies, wherever located, that the Export Administration Regulations prohibit U.S. persons from taking certain actions in furtherance of an unsanctioned foreign boycott and require reporting to BIS of receipt of a boycott-related request. In particular, U.S. companies operating in Turkey were cautioned to be alert to any requests to refrain from importing or exporting goods to or from Israel or to provide certification that the goods are not of Israeli origin or do not contain Israeli components or materials.

The Office of Antiboycott Compliance, through its Advice Line, continues to counsel both U.S. companies and representatives of companies in Turkey regarding their responsibilities under the Export Administration Regulations.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

Question 1. Why did the Department of Commerce decide to cancel the 2024 Alaska longline survey instead of using survey contingency funds?

Answer. The 2024 Alaska longline survey has historically been resourced through the sale of the catch (cost-recovery) to pay for vessel charter costs estimated at $2.5 million per year. This supports a 150 ft freezer vessel with 15 crew, 2 contracted biologists, and two scientists for a 90-day survey. Due to inflationary operating costs and market conditions for sablefish (the primary catch species), the vendor has incurred economic losses in previous survey years and cannot conduct the survey in FY 2024 without the risk of substantial economic loss. The $2.5M cost of the Alaska longline survey exceeded the $1.0M contingency fund provided as new appropria-

tions in FY 2024. The contingency funds were directed to support a $1.018M northwest groundfish survey charter.

Question 2. Given the importance of marine surveys to the both the health of the fish stocks and the fishing industry that relies on them, how does NOAA propose to notify Congress and the public when a survey is at risk, in order to give time for folks to react?

Answer. NOAA Fisheries is committed to communicating reductions in survey efforts to Congress and the public as soon as possible, given changing economic conditions and fleet operations.

NOAA Fisheries is engaged in a multi-year effort to strategically respond to climate-driven changes in the environment, maintain fishery survey operating efficiencies and modernization efforts, and mitigate shifting survey needs. We continue to balance national priorities that ensure sustainable seafood by prioritizing collection of critical survey data: against a challenging economic environment where the rising cost of surveys and changing market conditions demand strategic pivots within survey activities to ensure critical data collection needs can be met. This year, the Alaska Fisheries Science Center (AFSC) will redesign and reprioritize effort in several of its surveys, while advancing the use of modern methods and technologies to more efficiently collect data and accomplish its research mission to support sustainable fisheries management.

In the short term, NOAA Fisheries and the AFSC have identified ways to help mitigate the impact of survey effort reduction and data loss while supporting long-term strategic plans for responding to changing ocean conditions. This includes reprioritization to reduce sampling effort in some surveys while working to preserve data quality and implementing some measures over several years. In the long term, our broader survey modernization efforts, including the use of new technologies and survey methods, will lead to greater efficiency, flexibility and cost effectiveness in providing fisheries, ecosystem and climate data to better support adaptive fisheries management. We will continue to update Congress and the public as these survey modernization efforts are implemented.

Question 3. Is NOAA's survey modernization effort going to provide long-term planning and contingency plans for marine surveys given the number of factors that affect their success (sufficient labor, funding sources)?

Answer. Yes, NOAA's ship recapitalization and maintenance plans will provide long-term planning mitigation for marine fisheries surveys. In FY 2025, NOAA requested a $41M increase to marine operations and maintenance to deliver an additional 1,123 days at sea for a total of 2,840 days at sea to support NOAA's missions, including fisheries research. NOAA ship Oscar Dyson will undergo a year-long mid-life repair straddling FY 2026 and 2027. This will extend the service life for approximately 20 years and upgrade technology and capabilities. Planning is well underway to ensure the missions from ships undergoing mid-life repair periods will still be completed, either aboard other vessels in the NOAA fleet or via charters. NOAA is also currently examining detailed designs and construction plans for new Class C Fisheries Coastal Science vessels for the NOAA fleet to replace the capabilities of 3 ships (Oscar Elton Sette, Gordon Gunter and Oregon II) that will reach the end of their service lives between 2028–2033.

In addition to NOAA ships, NOAA Fisheries relies on a diversity of sampling platforms for its data acquisition enterprise, including charter vessels, state-owned vessels, small boats, uncrewed systems, and other emerging technologies. NOAA Fisheries will rely on these platforms to sustain, if not expand, its priority survey missions.

Question 4. Given the Department of Commerce's FY25 budget, which requests a 3% increase for Fisheries Science and Management, but a 27% increase for National Marine Sanctuaries and Marine Protected Areas and a 141% increase for NOAA to expand offshore wind permitting, how does this budget reflect "NOAA's strong commitment to seafood sector resilience?"

Answer. Offshore wind development continues to rapidly expand and represents a significant new use of our marine waters, requiring thorough scientific and regulatory review under NOAA's statutory responsibilities. Currently, there are 35 active commercial energy leases on the U.S. Outer Continental Shelf across three major ocean regions, including the Atlantic, Pacific, and Gulf of Mexico. Additional lease sales are anticipated via BOEM's five-year leasing plan, including additional leases along the continental U.S. coastlines, off the U.S. Territories, and Hawaii. Specific to resource needs in FY 25, BOEM plans to hold 4 wind energy lease sales in the remainder of CY 2024 (Central Atlantic, Gulf of Mexico—Round 2, Gulf of

Maine, and offshore Oregon). In light of this, NOAA Fisheries expects a growing demand for our resources and expertise for offshore wind activities. NOAA remains committed to the Administration's goal of responsibly deploying offshore wind while protecting biodiversity, promoting ocean co-use, and sustainably managing our Nation's marine trust resources. The FY 2025 budget reflects this commitment, and the request includes additional funds to minimize impacts to ocean resources, critical habitats, and fishing opportunities throughout the planning, siting, development, and operational stages for offshore wind, while addressing and facilitating mitigation of impacts to our scientific surveys. The emphasis and expertise NOAA Fisheries brings to considerations of fishing and ocean co-use to inform BOEM's leasing and project decisions is particularly important to supporting sustainability of U.S fisheries and seafood production during this period of rapid change in use of the Outer Continental Shelf.

Within the FY 2025 budget, NOAA Fisheries is also undertaking a range of activities in support of the seafood sector under NOAA's National Seafood Strategy [1], for example: conducting an independent evaluation of the current state of Alaska fishing and seafood, communicating the sustainability of US seafood, identifying vulnerabilities to seafood supply chains in order to enhance fisheries' resilience to future market or supply disruptions, providing loans to industry though the Fishery Finance Program, and providing technical assistance to USDA for domestic seafood purchases.

Question 5. What can the Department of Commerce do to document the total costs and market barriers facing domestic seafood producers, compared to those of foreign fisheries, and then develop a strategy to help US producers compete against cheap foreign seafood in US and global markets?

Answer. NOAA Fisheries' Office of International Affairs, Trade, and Commerce (IATC) has increased NOAA's level of engagement in interagency coordination, stakeholder outreach, and strategic planning on seafood trade policy since establishing a Trade and Commerce Division in 2022. Through this, NOAA has sought to build new capacities to engage on market access, export promotion, and trade negotiations, including: working to improve the competitiveness of the U.S. seafood industry, and enhance stakeholder outreach, including drafting a seafood chapter included in the 2023 Department of Commerce National Export Strategy (NES) to help guide future action on seafood trade policy—this is the first time a chapter on seafood has been included in the NES. The NES seafood chapter (chapter 9) identifies factors impeding effective U.S. Government engagement on seafood trade in support of U.S. stakeholders and recommends ways to improve interagency coordination, including creation of a working group focused on the seafood sector to improve collaboration and efficiency in addressing seafood trade concerns and policy initiatives. The NES chapter also proposes actions to facilitate trade, increase access to foreign markets, improve outreach to stakeholders, enhance trade data and analysis, and conduct trade promotion activities to support the U.S. seafood industry. NOAA also advances U.S. seafood competitiveness and conservation objectives through bilateral and multilateral trade agreements and at international organizations.

Recently NOAA's Seafood Inspection Program also revised the Approved Establishment requirements to include a Quality Management System for all participants. The Seafood Inspection Approved Establishment program is designed to reduce inspection efforts by partnering with industry participants and ensuring their responsibility for food safety, wholesomeness, economic integrity, and quality concerns for the system and products produced at the establishment. The direct result of the revised requirement will be higher quality seafood from US producers that will make them more competitive in both the domestic and global market.

Our new National Seafood Strategy identifies what we, as an agency, can do to better support the seafood sector given the many concurrent stressors. We are committed to this work and in the midst of developing an implementation plan identifying activities within our current capacity. It will focus on the socio-economic and industry services part of our work. For example,

(a) To better describe key trends and challenges, NOAA Fisheries is conducting an independent evaluation of the current state of Alaska fishing and seafood. This effort will result in a "snapshot" analysis of the market, economic, and geopolitical drivers affecting Alaska seafood production and trade and the effects

[1] http://www.fisheries.noaa.gov/s3/2023-08/2023-07-NOAAFisheries-Natl-Seafood-Strategy-final.pdf.

on Alaska seafood businesses and communities which we will share and use to inform future efforts.

(b) This past year, NOAA Fisheries identified economic and social science analyses to be undertaken as part of the Climate and Ecosystems Fisheries Initiative (CEFI) climate change scenario work. These CEFI work products, due in 2–3 years' time, will provide critical information on industry costs and infrastructure and labor needs, as well seafood demand models for some key commercial species.

(c) To support industry competitiveness, the Saltonstall-Kennedy grant program provided two grants totaling $530,000 to Alaska in FY 2023 for the promotion, development and marketing of U.S. Fisheries, and Alaska continues to compete well in this annual grant program open to industry, academia, and state, local, and Indian Tribal governments to help promote U.S. fisheries by assisting the fishing community to address marketing and research needs. We recently announced the funding of the FY 2024 grants, of which $1.4M is going to three projects in Alaska.

Question 6. What can the Department of Commerce do to incentivize reinvestment and modernization in our fishing fleets and processing plants, and make sure these programs are effectively resourced and utilized?

Answer. There are some programs already in place within the Department of Commerce to assist the industry in the reinvestment and modernization of our fishing fleets and processing capacity. Some aspects of these programs would require congressional direction or action to increase available resources and improve utilization to better support a more efficient and competitive U.S. seafood industry.

The Fisheries Finance Program (FFP), funded by loan authority from Congress of $150M in traditional loans and $24M for individual fishing quota (IFQ) loans annually, provides long-term loans to the fishing industry and aquaculture industries. NMFS Financial Services Division (FSD) reports that over the last 10 years FFP has approved 238 traditional loan applications for $484.7M. While these loans can be used for many purposes such as the modernization of fishing vessels and facilities. The FSD also administers the Capital Construction Fund (CCF), which incentivizes fishermen to improve the fishing fleet by enabling fishermen to construct, reconstruct, or, under limited circumstances, acquire fishing vessels with pretax dollars.

The Saltonstall-Kennedy (S–K) Grant Competition [2] may provide grants of up to $500k. Congressionally directed priority funding areas include promotion and market development and projects to develop infrastructure and capacity building. The scope of this program could be revisited with congressional direction to more explicitly meet the objectives of incentivizing reinvestment and modernization of our fishing fleet and processing industries, as well as supporting research and development into processing technologies. Additionally, the National Marine Fisheries Service participates in the Small Business Innovation Research [3] program. This program is targeted toward small businesses and provides funds to support research and development through multiple phases of the R&D process.

Question 7. What is the Department of Commerce doing to better integrate its seafood producer support with USTR, USDA, and all the other agencies that must better support the US seafood supply chain?

Answer. NOAA Fisheries' Office of International Affairs, Trade, and Commerce (IATC) established the Trade and Commerce Division to consolidate NOAA Fisheries' trade monitoring programs, coordinate efforts on seafood trade and commerce policy, address market access challenges, consult with industry stakeholders, and to improve U.S. seafood trade analysis and reporting. NOAA Fisheries staff participate as subject matter experts in interagency working groups and USTR-led Trade Policy Staff Committees (TPSCs) to shape U.S. trade policy positions related to trade agreements, guide U.S. positions on fisheries subsidies at the World Trade Organization (WTO), and lead U.S. engagement on fisheries at the Organization for Economic Co-operation and Development (OECD).

IATC works with Federal partners and others to identify and develop U.S. seafood markets and put more U.S. seafood on U.S. plates, particularly for the underserved. The Seafood Inspection Program works frequently with the USDA to increase industry's use of the Grade A standard, and increase purchases of seafood for school lunches and other distributions in the United States. USDA has announced they will purchase more seafood in the coming years with a requirement for USDC Grade

[2] https://www.fisheries.noaa.gov/grant/saltonstall-kennedy-grant-competition.
[3] https://techpartnerships.noaa.gov/sbir/about-sbir/.

A to aid in the increase of consumption of domestic seafood. The Seafood Inspection Program is working with USDA to develop more specifications for additional seafood products such as surimi to be purchased.

Our new National Seafood Strategy identifies what we, as an agency, can do to better support the seafood sector given the many concurrent stressors. Coordinating with and leveraging resources of other Federal agencies, including USTR and USDA, are critical to the strategy. For example,

(a) Staff engage informally with USDA, DOT, EDA and others to better understand overlapping priorities and resources relevant to the seafood sector. We are able to provide technical support to and coordinate with USDA as they evaluate how to integrate U.S. seafood production into national food policy strategies and USDA programs designed to support domestic food production.
(b) Our Seafood Inspection Program provides technical assistance to USDA in their food purchasing programs.

Our International Trade and Commerce program provides technical assistance to USTR and other Federal agencies for use in trade negotiations or other relevant international seafood issues

Question 8. What—if anything—is the Administration and Department of Commerce doing to encourage other G7 countries to impose similar sanctions on Russian seafood?

Answer. Following meetings with representatives of the Alaska seafood industry and the Alaska Congressional delegation, the Department of Commerce provided information to the Administration in support of the Administration's successful efforts to include a statement in the recent G7 communique opposing Russia's "environmentally unsustainable and unfair trading practices regarding fish and seafood."

Question 9. Does the Department of Commerce see encouraging other G7 countries to impose similar sanctions as something that would be a priority under NOAA's National Seafood Strategy?

Answer. The Department of Commerce recognizes the importance of working with our partners, including with the G7 countries, to achieve the goals of the National Seafood Strategy. One of those goals is to "foster access to domestic and global markets for the U.S. seafood industry" by promoting fair seafood trade through combating illegal, unreported, and unregulated (IUU) fishing and related harmful fishing practices along with unfair trade practices around the world and by expanding access to foreign markets for U.S. seafood. Advocating for the expansion of seafood import restrictions aligns with those goals. Unified and effective import restriction actions taken by the United States and its G7 allies are important to counter Russia's unfair trade practices and support the U.S. seafood industry.

DOC's NOAA and ITA bureaus will work with the interagency to raise this issue with trade counterparts, as appropriate.

QUESTION SUBMITTED BY SENATOR JERRY MORAN

Question 1. We continue to have significant trade challenges with the PRC with regards to U.S. farmers losing market access and facing retaliatory actions aimed at our agricultural products. With American farmers being shut out of the Chinese market, there is a growing need to expand American agricultural exports to different markets.

Fiscal year (FY) 2024 provided $3 million to support ITA's National and Regional Rural Export Centers, including $1.5 million specifically for the National Rural Export Center in Fargo, ND. This funding was provided to help rural businesses expand and grow in foreign markets.

Question 1A. What is the Department and ITA doing to prioritize expanding international trade opportunities for rural businesses and US farmers? What is the Department doing to protect agricultural exports when the agricultural sector is too frequently the first to get hit by retaliatory tariffs from China?

Answer 1A. The U.S. Department of Agriculture's Foreign Agriculture Service (FAS) is the primary U.S. Government agency supporting U.S. farmers exporting agricultural products. ITA's trade specialists regularly collaborate with FAS and are dedicated to enhancing the global competitiveness of U.S. companies that support the food and agriculture value chain, including farm equipment, machinery, restaurant equipment, and food packaging.

ITA's U.S. & Foreign Commercial Service uses its presence in 127 international and 106 domestic locations to help foster new business relationships and expand opportunities for U.S. companies through market intelligence and targeted trade promotion programming. In FY 2024, ITA impacted $506 million in U.S. agribusiness trade and assisted over 2,300 U.S. clients to export to global markets through export counseling services, matchmaking services, and specialized virtual and in-person trade promotion programming. ITA regularly partners with private sector trade show organizers to support export programming for U.S. companies at many of the top agribusiness trade shows in the U.S. and around the world, such as the National Restaurant Show, Big Iron, PACK Expo (Packaging & Processing Association's event), International Production & Processing Expo (IPPE), Natural Products Expo West (NPEW), Nampo Harvest Day Expo (NAMPO), Expo Agro Futuro (agribusiness show in Colombia), and others.

In FY 2023, ITA's commitment to the important work of the Rural Export Centers (REC) was underscored by establishing a full-time, dedicated National REC Director position to oversee, manage and grow the REC's work. Following designated appropriations in FY 2023, eight new regional RECs were created to complement the National REC in Fargo, ND, including: Upper Midwest REC (Fargo, ND); Ohio Valley REC (Louisville, KY); Southwest REC (Midland, TX); Pacific Northwest REC (Boise, ID); Appalachian REC (Charleston, WV); Midwest REC (Des Moines, IA); Southern REC (Jackson, MS); and the West REC (Las Vegas, NV). The strategic placement of rural-focused Trade Specialists in existing U.S. Commercial Service Field Offices near large rural areas enables ITA to bring the full suite of customizable trade solutions and programs to reach more rural companies. The REC launched with four market research services and has continued to innovate and develop new products including due diligence reports, website globalization services, initial market viability checks, and export education webinars that ensure sustainable export growth for rural companies.

ITA has previously raised agricultural market access issues with the Chinese government during high level bilateral talks, brought agribusiness companies on trade missions to help them enter/expand their business in the Chinese market, and was planning an agribusiness road show. These activities were halted in July 2018 when the previous Administration imposed tariffs on a wide range of Chinese products and China responded with retaliatory tariffs on American goods. The COVID–19 pandemic that started in late 2019 restricted the Commerce Department's activities and programs even further. ITA could consider doing a road show in the agribusiness sector in China in the future under the right circumstances.

Question 1B. Can you please give us an update on ITA's plans for the Rural Export Center program, to include planned or completed outreach to relevant stakeholders?

Answer 1B. ITA expanded its Rural Export Center (REC) initiative to a nationwide program leveraging the model and successes established in Fargo, ND, with the original REC. Utilizing the $1.5 million included in the FY2023 appropriations bill provided to 'support rural export centers,' Global Markets (GM) established eight (8) new Regional RECs across the United States. The eight Regional RECs and the National REC work in a collaborative fashion, including annual strategic planning meetings and bi-weekly coordination meetings, to ensure this national program delivers export promotion products and services to rural clients across the country. The National REC, located in Fargo, ND, specializes in conducting customized market research designed to guide rural U.S. companies toward the most opportune exporting markets. The eight Regional RECs conduct rural outreach in their respective territories to ensure that GM is reaching rural companies and educating them on the services and solutions of the Rural Export Center and the Commercial Service to help increase exports from rural America.

For Regional REC location determinations, GM utilized key market parameters, such as rural population rankings, rural Salesforce data and export values within non-metro areas while capitalizing upon existing support capacity, such as collocation with existing U.S. Export Assistance Centers (USEAC) and rural stakeholder networks. The new regional RECs include the Upper Midwest REC (Fargo, ND, which is co-located with the National REC); Ohio Valley REC (Louisville, KY); Southwest REC (Midland, TX); Pacific Northwest REC (Boise, ID); Appalachian REC (Charleston, WV); Midwest REC (Des Moines, IA); Southern REC (Jackson, MS); and the West REC (Las Vegas, NV).

ITA initiated rural stakeholder outreach through REC ribbon cutting ceremonies to emphasize our support to rural business communities and the cooperation across the Federal, state, and local trade ecosystems. The ribbon cutting ceremonies included more than 200 stakeholders and were held in partnership with local congres-

sional offices and trade partners to amplify our collective resources for the benefit of rural exporters. ITA will continue to consult with District Export Councils, whose members include key rural stakeholders at each REC location, to help inform and guide the work of the RECs.

The new national footprint of RECs has enabled ITA to reach and educate rural companies more broadly. In the first 6 months of FY 2024, the Regional RECs have worked as a coordinated national team to provide export counseling and promote REC services to over 635 companies. The Regional RECs and the National REC in Fargo are collaborating to implement an aligned strategy towards the cultivating, educating, and resourcing of more rural small businesses to support their success in reaching markets overseas.

Question 2. Through export controls policy gaps and third-country circumvention, Russia continues to import the materials necessary to sustain their military operations in Ukraine. In addition, China continues to violate U.S. export control regulations as seen by the growing capabilities with the Semiconductor Manufacturing International Corporation (SMIC) and Huawei. These failures demonstrate the larger inability of the U.S. to restrict technology flow to bad actors. Commerce should take the necessary steps to sanction Huawei and SMIC and block all U.S. exports to those companies. Recently, your Department announced that it was ending licenses for two US companies to provide semiconductors to Huawei.

Ending these licenses is a good start, but why did these licenses exist in the first place, and why does the Commerce Department continues to grant licenses that allows US tech to go to China? What can Commerce do to close the loop holes in our export control policies to stop the flow of technology into Russia?

Answer. Both SMIC and Huawei are subject to additional export restrictions by virtue of their placement on the BIS Entity List. We continue to assess, in cooperation with our interagency partners, the licensing policies applicable to these entities.

With respect to Russia controls, the Department of Commerce continually reviews and enhances our controls to ensure they advance U.S. national security and foreign policy objectives. In FY 2022, we published 8 regulations imposing export restrictions on Russia in response to its war against Ukraine and in FY 2023, we published an additional 15 regulations expanding the scope of these restrictions. Importantly, these controls are implemented in coordination with 38 additional governments participating in the Global Export Controls Coalition (GECC), which enhances their effectiveness. In addition to controls on items subject to Commerce jurisdiction when destined to Russia or Belarus or to Russian or Belarusian military end users wherever located, including a wide range of foreign produced items made with U.S. software, technology, or production equipment, we have also leveraged the Entity List to restrict exports to entities supporting Russia's military or defense industrial base. There are currently over 1,000 entities in Russia listed on the Entity List, including nearly 700 added since the beginning of the Biden Administration. Over 250 entities have been added in third countries related to Russia backfill or evasion activities, including over 80 entities in the People's Republic of China (PRC).

Our export controls are frustrating Russia's military ambitions by increasing costs and delays and reducing equipment quality. Once a major arms exporter, Russia is increasingly unable to meet its heightened wartime demand in the face of shrinking supply. Based on our analysis of Russian economic data, Russia suffered a $5 billion gap in the critical items it likely sought and what it was able to import in 2023, considering the increased costs it has been forced to pay and the amounts needed to sustain its long war across a 620-mile front. What Russia is obtaining is not cutting-edge, but commercial-grade EAR99 items, many of which are no longer in production and have been in circulation in second-hand microelectronics markets outside the United States for years. Finally, Russia is paying more for what it does get. Based on the same analysis, Russia was forced to pay over 135% more on average for microchips after the invasion than it did in the preceding years, 320% more for advanced GECC-origin machine tools via the PRC and Tüerkiye, and over 210% more to smuggle critical U.S.-origin items through third countries.

Russia is a determined adversary and relies on circumvention to obtain the items it needs through illicit trade networks, often established in ostensibly neutral jurisdictions. BIS will continue to list entities, engage with partner and fence-sitter governments, and engage with U.S. and foreign companies to identify and disrupt hidden Russian procurement networks.

Question 3. For the past 2 years, Chinese solar companies have circumvented U.S. trade laws by exporting solar panels tariff-free through other Southeast Asian counties. As part of the current moratorium on tariffs, Commerce and CBP were supposed to ensure all panels that come in during the moratorium are "utilized" in a

project by December of this year. We know there is now a glut of oversupply of cheap Chinese solar panels stockpiled in the U.S. that will have a devastating impact on investments we have made in our domestic solar manufacturing industry if Commerce does not enforce the utilization requirements that are part of the moratorium.

How will Commerce track the utilization requirements that are outlined in the moratorium? If utilization requirements are not met, what is Commerce doing to ensure these Chinese panels are subject to tariffs? With a record number of new antidumping and countervailing duty investigations being filed, what is Commerce doing to ensure the office of Enforcement and Compliance has the expertise and staff to enforce our existing tariff laws are enforced?

Answer. With respect to utilization requirements, importers are required to accurately certify to U.S. Customs and Border Protection that the imported solar cells and/or solar modules covered by Commerce's circumvention determination will be utilized and maintain sufficient documentation supporting the facts to which the importer certified. Parties that falsify such certifications will be in violation of U.S. law (including, but not limited to, 18 USC section 1001) that imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. Government. Moreover, failure to substantiate the claims made in the certifications may result in the importer being required to post antidumping duty and countervailing duty cash deposits on the entries in question, and the importer being precluded from participating in the certification process. For additional information, please see Commerce's Solar Proclamation FAQ page.[1]

The International Trade Administration's Enforcement and Compliance (E&C) unit is fully committed to our mission of defending U.S. industry, including the U.S. solar industry, against illicit trade practices like unfair pricing and government subsidies by administering U.S. trade remedy laws to ensure that domestic industries can compete on a level playing field.

Just in the first 8 months of FY 2024, E&C has already initiated 91 new AD/CVD investigations and is administering 690 AD/CVD orders—a record number. Based on current trends, we project that we will be enforcing nearly 850 AD/CVD orders by FY 2026. As you mentioned, our new initiations this year include antidumping and countervailing duty investigations on imports of solar cells and modules from Vietnam, Thailand, Malaysia, and Cambodia. We will release our preliminary determinations in these investigations later this year. E&C is nearly fully staffed under FY 2024 appropriations, but it is critical that E&C receive sufficient funding to continue vigorous enforcement of the U.S. trade laws as the volume of petitions and orders continues this record growth. We continue to train and deploy all available resources to defend U.S. industries and workers against foreign competitors' injurious and unfair trade practices.

Question 4. The recent Commerce rule that limits the legal export of firearms and ammunition threatens U.S. jobs and small businesses.

Question 4A. Do you share my concerns for the impact this rule could have on small businesses that have broken no laws?

Answer 4A. The April 30, 2024, interim final rule "Revision of Firearms License Requirements," 89 FR 34680 ("Firearms Rule"), makes changes to our licensing process for exports, reexports, and transfers of firearms and related items that are necessary to protect U.S. national security and further U.S. foreign policy.

The Department identified instances in which lawfully exported firearms were diverted in a manner that threatens our national security and foreign policy objectives. In our own hemisphere, legally exported firearms have been diverted to malign actors that use them to create regional instability, traffic drugs, and abuse human rights. The Firearms Rule is tailored to identify and restrict exports of firearms and related items that threaten U.S. national security and foreign policy interests, while allowing exports of firearms and related items that don't threaten U.S. national security or foreign policy interests.

The Firearms Rule is first and foremost focused on safeguarding U.S. national security and foreign policy interests. BIS carefully considered the economic impact of the rule, and as a result, the rule is tailored to identify and restrict firearms exports that threaten U.S. national security and foreign policy interests. BIS's intent is not to disrupt lawful commerce that is consistent with national security and foreign policy interests.

---

[1] https://www.trade.gov/faq/expiration-presidential-proclamation-10414-solar-cells-cambodia-malaysia-thailand-and-vietnam.

Question 4B. What is the Department doing to ensure small and medium sized companies that are the backbone of U.S. manufacturing are not severely impacted by this unjustified exercise of regulatory authority? Do you share my concern that in the absence of access to U.S. made firearms and ammunition, demand will shift to our adversaries in Russia and China, who do not share our concern with denying access to bad actors?

Answer 4B. See answer above.

The Department has taken numerous, proactive steps to ensure that industry has clear guidance on compliance with the new requirements. These steps include posting a Frequently Asked Questions document on the BIS website, which will be updated as new common questions arise; the creation of a dedicated email inbox (nfpc__firearms@bis.doc.gov) to help quickly triage firearms-related questions; and participation in multiple industry events to describe technical changes and answer questions, including an overview briefing by Assistant Secretary for Export Administration Thea Kendler to an industry association event hosted by the National Shooting Sports Foundation (NSSF) soon after the release of the rule, a recording of which is publicly available.

In addition to these new steps, BIS conducts normal engagement with exporters through email and phone assistance, as well as standard outreach materials describing updates to BIS's regulations prepared by BIS's Office of Exporter Services. BIS will continue to provide technical assistance to exporters on the firearms rule.

BIS also sought public comments on the rule until July 1, 2024. Reviewing public comments is an important and valued part of the rulemaking process, and BIS will address concerns raised through dedicated outreach, issuing guidance, or updating the regulations as appropriate.

With respect to potential Russian and Chinese backfill, the Department reiterates its commitment to combatting the diversion and misuse of US firearms by bad actors across the world, while allowing the export of firearms to end users who do not present national security or foreign policy risks. The Department will not engage in a race to the bottom with Russia and China to sell U.S. firearms to criminals and cartels.

Question 5. I remain concerned about China's aggressive pursuit of trade deals around the world at our expense. As we sit on the sidelines, China offers other nations better market access for their products and continues to build up economic ties with critical partners.

What is the Department and ITA doing to expand Commercial Services Offices around the world? Why is ITA's Global Markets business unit restructuring its global footprint to focus on the highest priority markets while China has commercial services representatives in nearly every country on Earth, the US is not even present in half?

Answer. ITA has sought to expand its U.S. and Foreign Commercial Service presence overseas in both its FY 2023 and FY 2024 budget requests. In the 2024 President's Budget, the Department requested significant funding to increase the Global Markets presence to compete with China and other threats, particularly in Asia, the Middle East and Africa, and the Western Hemisphere.

With FY 2023 appropriations, ITA's Global Markets was able to open three new offices: Cote D'Ivoire, Guyana, and Zambia. However, to effectively respond to the Fiscal Responsibility Act of 2023 and resulting budget levels for Fiscal Years 2024 and 2025, ITA must better allocate its scarce resources in a manner that gives meaningfully greater international coverage and places officers in critical markets that currently lack a Global Markets presence. To this end, within its FY 2025 budget request, ITA has requested funding that will allow the opening of one new overseas post consistent with the strategic goal to focus on markets around the world that have a high impact on out-competing China.

Finally, ITA underscores that, given the dramatic difference between its presence and China's presence, it cannot approach matching China's presence without a fundamental re-envisioning of the resources appropriated to Global Markets. In the meantime, ITA will continue to be more strategic, in alignment with its interagency partners, in driving its presence in as many places in the world where it can make a difference for U.S. commercial and strategic interests.

Question 6. Madam Secretary, at our recent hearing you stated that you had to make many difficult decisions in part to support our nation's weather satellite system. You have confirmed NOAA's GeoXO satellite architecture that is expected to increase the number of satellites in geosynchronous orbit from two to three and will include a suite of additional observations, with a life cycle cost of $20B.

Question 6A. Given that only between 2–3% of observations data from GEO satellites are assimilated into numerical weather models, why is NOAA expanding the number and types of observations rather than expending resources to get more value out of existing observational data?

Answer 6A. NOAA is focused on making best use of our existing observing systems while continuing to define and develop the integrated system that will be needed to meet NOAA and the Nation's needs in the future. The GeoXO satellites[2] are being designed to provide higher resolution data more quickly to support NWS in tracking fast moving weather events.

The primary use of GOES data by forecasters is for looking at image animations for "nowcasting" purposes and for the forecasters' ability to make decisions based on their inferences from the imagery (100 percent of the imager data is used this way) of severe weather and environmental hazards rather than use in NWP. However, a relatively small percentage of GOES Advanced Baseline Imager (ABI) radiance data are directly assimilated into NWP models, and much larger fractions of ABI imagery are synthesized into high temporal and spatial (horizontal) winds maps that are assimilated into the forecast models.

For the wildfire and smoke detection and monitoring, GOES observations provide critical inputs to the NWS operational air quality forecasting models, i.e., ignition detection as quickly as within 15 minutes. Without GOES satellite data, the models are not capable of predicting smoke and ozone in such a short period of time, compared to the up to 12-hour delay from LEO satellite wildfire detection.

In the GeoXO era, much more data will be ingested in NWP models. Technology insertion and innovation will make data from the GeoXO instruments more valuable to the NWP models and nowcasting (relative to data from the legacy missions). In addition, the GeoXO Hyperspectral Infrared Sounder (GXS) will have a few thousand spectral channels (versus the 16 spectral bands of GOES ABI) and will provide more vertical information, which the models will use via assimilation to improve forecasts.

GXS data will also be used to retrieve temperature and water vapor vertical profiles, which are used to calculate atmospheric instability parameters. The GeoXO imager will be complemented by the GeoXO Sounder data, which will dramatically fill in the vertical distribution of the winds. This capability currently does not exist with the current GOES East and West satellites. Further, increasing fractions of the radiance data will be directly assimilated as model resolution increases, and as radiative transfer calculations, data quality control, and assimilation are accelerated through the application of artificial intelligence/machine learning (AI/ML).

With respect to better data utilization, NOAA is incrementally implementing capabilities to increase utilization of satellite data for weather and environmental monitoring. These efforts include increasing its computing capacity using the cloud and access to partner servers, increasing use of AI/ML, and development of advanced data assimilation techniques. Many of these enhancements will be incorporated into the operational Advanced Weather Interactive Processing System (AWIPS) that weather forecasters at NWS use on a daily basis to process, display, and communicate meteorological data to make accurate weather predictions and dispense rapid warnings and advisories. The joint NESDIS/NWS AWIPS in the Cloud pilot initiative underway in FY24 will make available multiple satellite and visualization products to improve the local NWS forecaster's awareness of rapidly evolving weather and environmental conditions, significantly enhancing the productive use of geostationary, low earth orbit, and in situ data and model outputs.

Question 6B. Furthermore, does NOAA have the compute capacity to extract value from the extended observations or are we just buying more data that is not used by our models?

Answer 6B. Yes, we do and will be extracting great value from the additional observations. As advances in compute capacity occur, NOAA is continuously reviewing and adjusting its plans to make best use of existing and future sources of compute capacity, and to better manage the extensive and growing data resources. The GeoXO program is working on algorithms that will be used to develop products that deliver applications to users so that the data are available for use as soon as possible. National Environmental Satellite, Data, and Information Service (NESDIS) recognizes that value-add and specialized products will be developed by users to meet their individual needs. In the 2030s era, there will be IT innovations that will assist in data utilization of these data.

---

[2] https://journals.ametsoc.org/view/journals/bams/105/3/BAMS-D-23-0048.1.xml.

The NOAA High Performance Computing and Communications Program manages NOAA's operational and research computing requirements and is constantly seeking additional sources to update and improve NOAA's ability to assimilate and process big data from a variety of sources. Recently, additional capabilities have been added with BIL/IRA funding, leveraged from partner agencies such as the Department of Energy, and from cloud sources. With the rapid IT changes and the need to maintain a cyber secure posture for these data, NOAA is constantly assessing the best and more affordable ways to maintain adequate compute capacity. In recent years, NOAA's Office of Chief Information Officer has been making NOAA satellite data available on the cloud, on a best-efforts basis.

Simultaneously, NESDIS operates a scalable, flexible cloud platform that will scale to support all GeoXO processing needs, including operations and science, that is designed to be scaled with new data flows and larger data volumes. The NESDIS Common Cloud Framework (NCCF) will be expanded, tailored and tested ahead of GeoXO launch to ensure processing and distribution of extended observations meet NWS latency and availability requirements in the GeoXO era.

In the GeoXO era, NOAA's plans are to use these capabilities and continue to access the best ways to provide data, products and services for operations and research use.

Question 6C. The primary mission essential function for NOAA satellites is to support weather forecasts including severe weather watches and warnings that protect lives. Given this fact, why did you approve an architecture for GeoXO that includes a variety of instruments that go beyond this essential mission? Are there scientific requirements for these additional instruments (ocean color, lightning mapper and atmospheric composition) to be hosted in geosynchronous orbit? What is the additional cost to the program for adding these instruments and the corresponding mass and complexity that require a larger satellite bus?

Answer 6C. NOAA's satellites and the architecture for GeoXO are firmly in alignment with the Department of Commerce's Primary Mission Essential Functions 2 and 3[3] to:

—Provide Satellite Imagery: Collect and provide the Nation with critical intelligence data, imagery, and other essential information for predictive environmental and atmospheric modeling systems and space-based distress alert systems by operating NOAA controlled satellites, communications equipment, and associated systems; and

—Provide Meteorological Forecasts: Provide the Nation with environmental forecasts, warnings, data, and expertise critical to public safety, disaster preparedness, all hazards response and recovery, the national transportation system, safe navigation, and the protection of the Nation's critical infrastructure and natural resources.

NOAA's satellites provide foundational data and information services that support all of NOAA's Line Offices and programs to meet NOAA's mission to serve the public and sustain US economic growth:

1. To understand and predict changes in air quality, climate, weather, ocean and coasts;
2. To share that knowledge and information with others; and
3. To conserve and manage coastal and marine ecosystems and resources.

The weather mission remains the top priority for NOAA's GeoXO program. Other priorities include fulfilling data needs of NMFS, NOS, and OAR. The decision how to satisfy these data needs is the result of an assessment of the validated requirements in the NOAA Consolidated User Requirements List (COURL). The Report on Requirements of NOAA's Next-Generation Satellites (2023) provides additional information on the satellite architecture for these systems.[4]

The additional non-weather instruments for the GeoXO program are focused on services that the NWS and other Federal, state, and local agencies provide to the public:

—An atmospheric composition (ACX) instrument is based on unfulfilled requirements and data requests from the NWS, the OAR, the EPA, and state and local environmental agencies for higher frequency and better characterization of poor

[3] https://www.dhs.gov/sites/default/files/publications/list__of__validated__pmefs__by__department__v2__fema.pdf.

[4] https://www.nesdis.noaa.gov/s3/2023-06/22-J-833-NOAA-NESDIS-User__Needs__Requirements__and__Lifecycle__Costs__REPORT.pdf.

air quality. The ACX instrument will also help refine air quality warnings and improve air quality forecasts.

—An ocean color (OCX) instrument, awarded in May 2024, is being added to serve NOAA's mission for stewardship of the nation's coastal areas and fisheries, and will serve a wide range of applications across industry and government, from commercial to defense, that include: protecting people and food sources from harmful algae; improving efficiency in fishing and aquaculture operations; monitoring water quality for safety for swimming and contact with humans; monitoring ecosystem changes affected by offshore construction or climate change; assessing water clarity for U.S. Navy diving and anti-submarine warfare; and helping detect and track oil spills at sea. The geostationary orbit enables multiple observations per day, and, when needed, "tasked" observations in order to monitor phenomena with periodicity less than one day, such as diurnal and tidal changes, and to respond to fast-moving, episodic events like oil spills, storm runoff, and harmful algal blooms.

The cost of the new ACX and OCX instruments, including spacecraft accommodation, data generation and distribution, and other costs, is approximately 10 percent of the GeoXO program's $19.6B life cycle cost.

Omitting these instruments from the GeoXO mission would stall NOAA with dated technology for another two decades, limiting the quality and content of NOAA's air and water quality forecasts for decades. Excluding the ACX and OCX instruments diminishes U.S. leadership behind China, Europe and Japan.

Comparing GEO to LEO doesn't seem responsive to the question, and doesn't appear to add any value in this response.

Question 6D. Despite the FRA budget caps, NOAA appears to be pursuing the most expensive option to acquire data, including new desirements to expand NOAA's portfolio rather than fulfilling existing mission critical requirements. Rather than building expensive satellite buses in Geo, have you considered commercial platforms such as Blue Origin's Blue Ring that could host an imager? Why are you not pursuing commercial options that also offer in-space edge computing that could radically improve the ability for NOAA to extract more value out of its observations?

Answer 6D. Acquiring data for the important weather and environmental data requirements requires an approach that will guarantee mission assurance and success.

Forecasting severe weather events and providing the public the advanced warning to save themselves and their property is one of NOAA's highest priorities. Based on lessons learned from past experiences, DOC and NOAA, working with NASA and the Office of Management and Budget, have developed a cost effective and risk tolerant approach to developing GeoXO. NOAA anticipates approximately 80 percent of the GeoXO funding will be placed on commercial contracts to acquire instruments, launch vehicles, and mission support based on evidence that the proposed technology is proven and can deliver.

NOAA did analyze the Blue Origin capabilities and determined that, at this time, it does not meet GeoXO's mission requirements.

NOAA continues to explore emerging technologies to meet NOAA's mission needs. NESDIS Systems Architecture and Engineering (SAE) organization releases Requests for Information (RFIs) annually seeking input from the commercial sector on what assets or capabilities they have or project to have to meet NOAA's mission needs. These requests provide information on NOAA's mission and what we are specifically interested in, such as enhanced space weather observations or better ocean winds measurements, but we also allow vendor-proposed ideas to be submitted.

Question 6E. One of the new "extended" instruments that NOAA just put under contract for $365 million is for atmospheric composition to improve air quality forecasting and monitoring. What's the requirement for this measurement to be made from geosynchronous orbit? What's the business case for moving ahead with this instrument when we are just beginning to get data from NASA's tempo mission that's making these measurements? Why not learn from NASA's effort before launching an expensive operational mission? Given that these observations are intended for human health protections rather than weather forecasts, why isn't the EPA responsible for funding this instrument?

Answer 6E. Air pollution emissions and chemistry vary greatly throughout the day, requiring a GEO measurement to capture these changes. NOAA and stakeholders are already learning from NASA's TEMPO mission, which was launched in 2023, to evaluate the usefulness of its products and to develop new applications. TEMPO is a research mission with a lifetime of 20 months; it is not intended to

provide a permanent operational capability. Utilizing lessons learned from TEMPO as a pathfinder, NOAA is developing the atmospheric composition instrument for inclusion in the GeoXO program. With the GeoXO program planned to provide GEO observations through 2055, it would be considerable time before the next opportunity to implement an operational GEO atmospheric composition instrument.

NOAA and EPA have their respective roles and resources and operate according to the guidelines agreed to in the Memorandum of Agreement (MOA) that was signed in 2003 and has been renewed every 5 years since then. The MOA cements the long-standing partnership between NOAA, the EPA and state and local air quality management agencies. NOAA produces twice daily air quality forecast guidance and collects satellite observations to aid in these forecasts. EPA maintains emissions and ground-based monitoring data that inform NOAA's forecasts. State and local agencies, including over 360 cities and counties, issue air pollution alerts to their citizens based on NOAA's satellite imagery and forecasts. With GeoXO, NOAA will be able to provide better data to the EPA and to state and local agencies. Observing agencies like NOAA, NASA, and USGS provide satellite data and expertise, while receiving agencies like EPA supply the resources to train their people and to upgrade their operating systems and practices to incorporate the data. This cooperative relationship between the observing agencies and the implementation agencies is conducted within the US Group on Earth Observations (USGEO).

Question 6F. Another instrument that you approved to be on the GeoXO is for ocean color, for which NOAA just announced cost-plus-award fee contract for $450 million. What's the scientific requirement to host ocean color in Geo? Why is NOAA creating an operational mission for ocean color given that the nation has been getting ocean color data from NASA assets for over 40 years and have never utilized that data for fisheries management, which is supposedly the business case for including ocean color on GeoXO? Have you considered getting ocean color remote sensing from assets in low earth orbit along with coastal drones given the temporal and spatial aspects that NOAA wants to measure?

Answer 6F. The GeoXO instrument suite is designed to complement (not substitute) data that is provided by LEO satellites. GeoXO will provide more frequent data refresh over a 24-hour period versus the once-per day data refresh from LEO satellites. The US ocean color community, which includes users at Federal, State, Tribal levels, require the frequency and resolution of data that GeoXO's OCX will provide for various ocean and coastal management activities. OCX will be able to detect phytoplankton at the species level which will inform whether these are harmful species or beneficial species for the ecosystem. The use of ocean color data has a longstanding history in NOAA's mission, and using lessons learned from NASA and other partners, NOAA will move hyperspectral ocean color research into operations for the U.S. Exclusive Economic Zone and the U.S. Great Lakes. Commercial fisheries in the U.S. are valued at $260 billion and employ 1.7 million people. Observations from systems like GeoXO OCX allow environmental intelligence information for NOAA and its stakeholders since phytoplankton is at the base of the food chain that supports fisheries.

NOAA Mission Requirement: NMFS, OAR, and NOS, have for decades documented uses for operational ocean color data and products. These uses include: observing ocean biology, chemistry and ecology; evaluating dynamic processes; and assessing ocean productivity, ecosystem change, coastal and inland water quality, seafood safety, harmful algal blooms (HABs), and land-based sources of pollution.

The OCX will complement current optical imagers (like VIIRS and MODIS) in the spectral and spatial resolution needed to enhance NOAA's capabilities to meet documented requirements. NOAA is using the NASA PACE as a risk reduction mission, taking lessons learned from research-oriented ocean color satellites and putting them towards operational ocean color satellite missions in order to meet documented requirements. NOAA is also implementing direction in the Explanatory Statements of Public Law 117–328 (Consolidated Appropriations Act, 2023) and Public Law 118–42 (Consolidated Appropriations Act, 2024) to coordinate GeoXO OCX development with NASA's GLIMR.

Use of Ocean Color in Fisheries Management: Ocean color data has an extensive history of usage within fisheries management. NOAA Fisheries uses ocean color for stock assessments, particularly those at risk of mortality due to red tides, which increases the risk of overfishing after mass mortality events.

Ocean color data are used to help managers identify areas of spatial and temporal overlap between managed species and commercial fisheries, and have been used to inform impact assessments for offshore wind energy development. NOAA Fisheries also use ocean color data in end-to-end ecosystem models (e.g. Atlantis, Ecopath), dynamic ocean management tools (e.g., EcoCast, WhaleWatch), big eye tuna fore-

casts, ecosystem overfishing assessments, the AMAPPS (protected species) model, the California-Harmful Algae Risk Mapping (C–HARM) Harmful Algal Bloom (HAB) domoic acid probability model, and research-track stock assessment models for North Pacific swordfish.

Business Case.—Without the capabilities of OCX, NOAA will remain limited in the ability to provide trusted risk analysis and probabilistic estimates of transient events, which are manifesting with increased frequency under climate stress.

From the NOS perspective, GeoXO's OCX will elevate ocean forecasts for authorized NOS activities, including harmful algal blooms (HABs), oil spills, pollution, etc., providing more timely information to our constituents. The GeoXO OCX instrument would be used to track transient features, like HABs, Sargassum, and oil, among others, on subdaily time-scales (every 2–3 hours), increasing the probability of capturing cloud and glint-free images that lead to data gaps.

A geostationary configuration would generate a more complete short-term data record (baseline), which is required to generate product anomalies that provide early detection of changing conditions. The hyperspectral observations from OCX would help distinguish different types of algae and provide improved information on whether a bloom might likely be a toxin producer. This detailed information may reduce drinking water treatment costs, recreational exposure to toxins, and human illness.

Use of LEO Assets and Drones.—The GeoXO instruments specifications were developed to respond to the user needs for hyperspectral, high-refresh ocean imagery that LEO satellites do not provide. Deployment of drones may be hindered by inclement weather at the surface of the Earth that satellites are not affected by. GEO ocean color data is projected to provide economic benefits far exceeding its cost by improving fisheries efficiency and productivity, reducing impacts due to harmful algal blooms, and improving monitoring and safety of drinking water.

Question 7. Madam Secretary, the Department in its FY 2025 request is asking for $62.1 million in new funding related to artificial intelligence (AI). This includes new funding for BIS, NTIA, and NIST. As I mentioned at the hearing, given the FRA caps, I suspect we may be in a similar position as FY 2024 where we have to make difficult decisions to meet our allocations.

Question 7A. Has Commerce conducted an assessment to determine if any of these AI requests would not duplicate AI efforts at NIST, other Commerce Departments, or elsewhere in the Federal government?

Answer 7A. The Commerce Department is dedicated to the efficient use of taxpayer dollars, including avoiding the duplication of effort across the U.S. Government related to artificial intelligence (AI). The Department has actively participated in interagency coordination discussions, and internally, the Department holds regular cross-bureau convenings to coordinate AI programs and efforts. The Department's FY 2025 budget request for AI efforts at NIST, BIS, and NTIA reflects that a variety of tools need to be deployed to meet the opportunities and challenges of AI. Requested funding would help Commerce to implement central components of the Administration's Executive Order 14110, "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence" and continue the critical work of the newly established U.S. AI Safety Institute (AISI), creating guidelines, tools, test environments, benchmarks, and best practices for AI evaluation and risk mitigation. Without the requested funding, the Department will not be able to meet the demands placed on its bureaus, including those focused on protecting against the national security risks of large language or frontier models through AISI. The requested funds would further support the Department's critical work to create a "race to the top" in AI safety, security, and trust; address AI-related threats to our national security; foster an innovative, competitive, and informed marketplace for AI; and examine ways to use AI for good to enhance the government's work. The Department's request spans multiple bureaus to ensure that we meet the Nation's, and the world's, needs for safe, secure, and trustworthy AI.

Question 7B. Can you please provide more detail on what the Department means when it talks about, "AI for Good"?

Answer 7B. "AI for good" is intended to convey that the Department's work is not only focused on addressing and mitigating potentially negative implications of AI, like those associated with biological or cybersecurity risks and deep-fakes. The Department, including through NIST, also looks to further innovation in AI, and address technical barriers in the measurement science of AI systems to better understand their reliability, performance, usability, and other characteristics. The objective of this work is to enable companies and organizations to be confident in adopt-

ing and utilizing the technologies in the broadest array of potential applications. Like promote and protect strategies with other technologies, a significant portion of the Department's work is focused on promoting innovation, and the term "good" has become common shorthand to communicate this effort. The Department's FY 2025 budget request for new funding in AI would, in part, support Departmental efforts to ensure that AI is deployed responsibly and for the benefit of society.

QUESTIONS SUBMITTED BY SENATOR BILL HAGERTY

Question 1. The Department's Bureau of Industry and Security (BIS) published an Interim Final Rule (89 FR 34680) that effectively prohibits the export of most firearms, shotguns, optics, ammunition, and related parts and components to other countries.

1A. Under the new rule, unless one of the four license exceptions apply, can an entity export low value shipments of spare parts under $500, temporarily export to a trade show, or return a firearm for repair to a foreign manufacturer without an export license?

Answer 1A. The rules surrounding a specific export will depend on the item at issue, and several other factors. Certain spare parts for firearms and related items do not require an export license and may be exported without authorization. However, many firearms spare parts categorized under 0x5zz ECCNs are subject to a license requirement. For such parts, an EAR authorization is required to authorize all exports and reexports for these items, unless a license exception applies. This is standard practice across all BIS requirements; if a license is required, but the transaction does not meet the specifications of any particular license exception, a BIS license is required.

1B. Under this new rule, would an export license be needed to ship a $2 replacement part to Austria or Switzerland?

Answer 1B. See answer above. The regulations surrounding a specific license exception will depend on the item at issue. For example, certain parts, such as 0A501.x parts, would be eligible for export to Austria and Switzerland as Country Group A:5 countries under License Exception STA under section 740.20(c)(1), provided the export was not otherwise restricted under section 740.2 and the export met the applicable terms and conditions of License Exception STA under section 740.20.

Question 2. The International Traffic and Arms Regulations (ITAR) has always (and still does) include license exemptions for spare parts under $500, temporary imports/exports for repair, etc.

2A. Does this new rule make the Export Administration Regulations (EAR) more restrictive than the ITAR, which focuses strictly on defense-related items?

Answer 2A. BIS has determined that the changes described in its firearms rules will advance U.S. national security and foreign policy interests. As with all EAR controls, these changes are designed to be as targeted as possible to accomplish BIS's mission to protect the national security and foreign policy interests of the United States.

2B. Won't this new provision result in thousands more export license applications, and what fiscal measures has BIS taken to account for this increased caseload?

Answer 2B. As of September 2024, BIS has not seen a marked increase in license application submissions since the new rule was implemented on May 30.

Moreover, several changes made in the IFR will improve efficiency and transparency in processing licenses or reduce license submissions. For example, prior to the rule, exporters to non-A:1 countries were not required to submit a purchase order with BIS license applications, unless requested during the course of BIS's review of a particular application. This practice meant that BIS processed and reviewed many applications that did not result in actual exports, thereby unnecessarily expending staffing resources. Likewise, the presumptions of denial for certain high-risk transactions are expected to result in a decrease of license applications for those destinations. Further, transparency with respect to destinations of concern helps promote predictable and timely review of license applications and will help industry and other stakeholders understand the licensing process. The rule will also allow BIS to focus time and resources on lower-risk applications, including applica-

tions to partners and allies and applications to government end users in all destinations.

BIS will continue to monitor pending application totals and surge resources as appropriate to ensure timely review of applications.

Question 3.

3A. How will this new rule impact license processing times?

Answer 3A. BIS processes firearms license applications in accordance with internal licensing guidelines, implementing regulations, and Executive Order 12981, which outlines interagency procedures and timelines for processing export license applications. These policies are applied consistently across all items under BIS's jurisdiction.

BIS has not observed a delay in processing license applications for firearms and related items since the rule went into effect on May 30, 2024. Applications for firearms and related items submitted since May 30, 2024, currently have a median total processing time of 32 days, which is almost a week faster than the average processing time for all BIS licenses in 2023 of 38 days. Applications for end users in Country Group A:1 have been processed even faster, with a median processing time of 28 days.

Several changes laid out in the Interim Final Rule (IFR) have made the review process more efficient. The new interagency working group established by the rule and chaired by the State Department will supplement the usual export licensing review process. BIS has found that other working groups, such as the one for dual-use items controlled for chemical and biological weapons reasons, allow licenses to be processed faster because the interagency is able to discuss concerns about an application and typically can come to an agreement without having to escalate to the operating committee. BIS expects that the interagency working group, which meets weekly, will similarly help to move firearms license applications efficiently.

Likewise, transparency with respect to destinations of concern helps promote predictable and timely review of license applications and will help industry and other stakeholders understand the licensing process. The rule will also allow BIS to focus time and resources on lower-risk applications, including applications to partners and allies and applications to government end users in all destinations.

BIS will continue to monitor pending application totals and surge resources as appropriate to ensure timely review of applications.

3B. Under this new rule, how many export license applications does BIS plan to Return Without Action to license applicants?

Answer 3B. Prior to the effective date of the Firearms Rule on May 30, 2024, BIS identified a subset of pending license applications that were submitted prior to the release of the rule, and thus did not meet the new requirements outlined in the rule. BIS returned without action these pending license applications because they could not have been processed and approved in accordance with the new requirements. Exporters were notified if their applications were Returned Without Action and were provided with guidance on the new requirements and best practices for resubmitting applications. Applications may also be returned without action for other reasons, including informing the exporter that a license is not required or that a license exception may apply to their transaction.

BIS will continue to provide technical assistance to exporters on the firearms rule to ensure industry has clear guidance on compliance with the new requirements.

Question 4. Regarding the new licensing requirement for long-barreled shotguns and optics to all countries, and specifically to NATO and Wassenaar Participating Group A:1 partner countries:

4A. Is it correct that these products have never required a license for export to NATO countries and in fact are not controlled on the Wassenaar Agreement Munitions List (WAML)?

Answer 4A. The Firearms Rule added license requirements for certain items on the Commerce Control List when destined to countries and/or end users that previously did not require a license. For example, prior to the rule, shotguns were subject to different controls under ECCN 0A502 based on the barrel length and particular end user (specifically, police or law enforcement). However, these items have long been subject to the Export Administration Regulations, and the changes made in the IFR ensure consistency in how those regulations are applied, as well as reflecting the significant relationship of diversion and misuse of firearms and related items to U.S. foreign policy and national security objectives.

4B. If, under the new licensing requirement, U.S. exporters are waiting additional weeks or months for an approved license, can you assure the Committee that other countries that manufacture long barreled shotguns and optics, which includes China, won't fill this void, and if so, what measures has the Department taken to prevent this?

Answer 4B. As noted above, BIS processes firearms license applications in accordance with internal licensing guidelines, implementing regulations, and Executive Order 12981, which outlines interagency procedures and timelines for processing export license applications. These policies are applied consistently across all items under BIS's jurisdiction.

With respect to potential Chinese backfill, the Department reiterates its commitment to combatting the diversion and misuse of US firearms by bad actors across the world, while allowing the export of firearms to end users who do not present national security or foreign policy risks. We will not engage in a race to the bottom with China to sell firearms to criminals and cartels.

4C. Considering that China is a major producer of firearm optics, what steps have you taken to prevent China from quickly exporting to foreign markets while U.S. exporters wait for licenses that have never been needed before?

Answer 4C. The Firearms Rule is first and foremost focused on safeguarding U.S. national security and foreign policy interests. BIS carefully considered the economic impact of the rule, and as a result, the rule is tailored to identify and restrict firearms exports that threaten U.S. national security and foreign policy interests. BIS's intent is not to disrupt lawful commerce that is consistent with national security and foreign policy interests.

With respect to firearms optics, such products have generally been subject to a license requirement for export to most destinations worldwide, and certain license exceptions remain available to export such optics to allies and partners, subject to certain conditions. In addition, BIS regularly reviews its rules and regulations to determine the effectiveness of its policies, including the impact of the policies on industry competitiveness. BIS will also continue to provide technical assistance to exporters on the firearms rule, and BIS has taken numerous, proactive steps to ensure that industry has clear guidance on compliance with the new requirements.

Question 5. Given the delays that this new rule will create, U.S. optics manufacturers won't be able to provide timely deliveries and will suffer the probable loss of business of their commercial exports, including some of their government exports.

5A. What steps have you taken to prevent such irreparable harm to U.S. exporters and manufacturers of these products?

Answer 5A. The Department's actions are aimed at safeguarding U.S. national security and foreign policy interests. At the same time, the Department carefully considered the economic impact of the rule. As a result, the rule is tailored to identify and restrict firearm exports that threaten U.S. national security and foreign policy, while allowing exports of firearms that don't threaten national security.

BIS has not observed a delay in processing license applications for firearms and related items since the rule went into effect on May 30, 2024, including license applications for optics under ECCN 0A504. Applications for firearms and related items submitted since May 30, 2024, currently have a median total processing time of 32 days, which is almost a week faster than the average processing time for all BIS licenses in 2023 of 38 days. Applications for end users in Country Group A:1 have been processed even faster, with a median processing time of 28 days.

5B. Give that we trust our partner countries in NATO and Wassenaar, and particularly the UK and Australia under AUKUS, with the most sensitive military items, including 600-series military commodities, missile technology, chemical and biological weapons, why are we adding substantial new licensing burdens under this rule for items that are commercial in nature, of low technology, widely available and manufactured throughout the world, and not military?

Answer 5B. Exports of sensitive items on the Commerce Control List (CCL) to our partners and allies, including in NATO and Wassenaar, remain subject to a range of licensing restrictions and/or restrictions on license exception availability. A license exception may authorize the export of 600-series items to certain NATO and Wassenaar partners, but generally only for ultimate end use by allied and partner governments, not for personal use or commercial resale. Missile technology requires a license to nearly all NATO and Wassenaar partners, with the limited exception of Australia, Canada, and the United Kingdom (UK). A license is required to all destinations worldwide, including Australia, Canada, and the UK, for Chemical Weap-

ons Convention Schedule 1 chemicals, and a worldwide end-use control applies to chemical and biological weapons-related activities.

As noted in the previous question, BIS has made several recent regulatory updates to facilitate secure trade with allies and partners. This general approach informed our firearms policy updates as well. A:1 countries, including Australia and most NATO countries, are excluded from many of the new requirements in the Firearms Rule, such as the requirement to submit a purchase order, as well as a passport or national identity card for natural persons, with an application to export firearms or related items. Many of the other requirements in the rule were already in place for one of our closest trading partners, Canada.

Question 6. The Interim Final Rule significantly reduces license validity from 4 years to 1 year.

6A. What is the rationale for this reduction in the license validity period, particularly since no other items controlled on the Commerce Control List, except for items in Short Supply, are licensed with such a short validity?

Answer 6A. Because national security and foreign policy considerations (including human rights-related considerations) in destinations abroad can change rapidly, the risks or potential benefits associated with certain transactions can be difficult to predict several years in advance. Limiting the length of the license validity period will lead to more frequent reviews of exports and thus enable BIS to account for developments and often fluid circumstances in destinations; doing so enables more precise and timely consideration of diversion risk and national security and foreign policy interests. A shortened validity period also reduces the risk of shipments on an expired import certificate, as well as the risk that BIS has to suspend or revoke a license based on rapidly developing national security and foreign policy concerns. Importantly, though, licenses extending beyond 12 months for firearms and related items may still be granted in certain circumstances, such as transactions involving intra-company transfers of items (e.g., from a subsidiary to a parent company) or government contracts that require a period of performance longer than 12 months.

6B. Won't this impact the processing time to approve licenses, which will cause exporters delays that will likely result in cancelled orders?

Answer 6B. As noted above, BIS processes firearms license applications in accordance with internal licensing guidelines, implementing regulations, and Executive Order 12981, which outlines interagency procedures and timelines for processing export licensing applications. BIS does not anticipate that the general reduction in validity period will impact the processing time for licenses.

6C. Given that BIS is currently taking 1–2 months to process licenses and will now face a doubled caseload, won't this potentially make domestic products more unattractive to foreign buyers?

Answer 6C. See answer above.

6D. How many licenses does BIS currently have pending without action for Brazil?

Answer 6D. When queried on July 3, 2024, BIS's export licensing database reflected 33 license applications pending for firearms destined to Brazil.

6E. What is the longest time period that a firearms export license application has been pending without denial or approval?

Answer 6E. As of July 4, 2024, the longest time a firearms export license application has been currently pending is 546 days, 455 days of which have been pending a response to a request for additional information from the applicant.

Question 7. The 1 year license validity will at least double BIS's annual license caseload.

7A. How does BIS plan to handle the additional annual license caseload resulting from the change to 1 year license validity?

Answer 7A. See answer above.

7B. WHERE DOES YOUR BUDGET ACCOUNT FOR THIS INCREASED WORKLOAD?

Answer 7B. The Department does not expect to need additional funding to manage implementation of the new rule. As noted above, BIS anticipated an annual increase of 1,416 new license applications as a result of the changes made. However, BIS has not seen a marked increase in license application submissions since the new rule was implemented on May 30, and several changes made in the IFR, such as the

creation of the interagency working group, will improve efficiency and transparency in processing licenses. BIS will continue to monitor pending application totals and surge resources as appropriate to ensure timely review of applications.

Question 8. Section 505 of the FY2024 Commerce, Justice, Science, and Related Agencies appropriations bill (Public Law 118–42) explicitly prohibited BIS from reorganizing, yet according to BIS's website, BIS reorganized in blatant violation of law.

8A. Why did BIS explicitly ignore a statutory requirement from Congress?

Answer 8A. In July 2023, BIS transmitted to Congress a congressional notification package for a realignment of staff under Export Administration (EA), consistent with the Export Control Reform Act of 2018 (ECRA) and in accordance with Division B Commerce, Justice, Science and Related Agencies, Title V, General Provisions, Section 505 of the Consolidated Appropriations Act, 2023 (Public Law 117–328). Both the House and the Senate approved this realignment of staff in October 2023 and November 2023, respectively.

8B. Will the newly established Human Rights and Embargoes Division be responsible for reviewing or adjudicating any export licenses related to firearms, ammunition, and related equipment? And if so, what specific countries or applications will fall under the Human Rights and Embargoes Division's responsibility?

Answer 8B. Review and adjudication of export licenses related to firearms, ammunition, and related equipment has not been transferred to the newly renamed Human Rights and Embargoes Division (HRED) within the Office of Nonproliferation and Foreign Policy Controls (ONFPC). The longstanding division of responsibility for review of firearm and related items applications between NMT and HRED within ONFPC has remained in effect since the release of the Firearms rule.

Since the transfer of certain firearms and related items from the State Department to Commerce in March 2020, license applications for firearms and related items have been largely managed by ONFPC's Nuclear and Missile Technology Controls Division (NMT). HRED has long reviewed a select subset of applications for certain firearms and related items depending on the item type, its corresponding reason for control, or specific destination.

Specifically, ONFPC's HRED is responsible for reviewing license applications for items controlled for Crime Control reasons. Prior to the rule's release, HRED reviewed license applications for 0A502 (shotguns) and 0A504 (optical sighting devices) items to any destination since these items were already controlled for Crime Control reasons. Since Russia's invasion of Ukraine, with additional staff hired under a supplemental budget allocation authorized by Congress, HRED has also been responsible for the licensing of small arms and ammunition exports to Ukraine with technical assistance from NMT. After the rule's release, HRED continued to review applications for 0A502 and 0A504 items, as well as any other firearm or related item when destined to Ukraine. Additionally, given HRED's foreign policy expertise and experience in managing applications for firearms items destined to Ukraine, HRED also began managing applications for any firearms items destined to Israel beginning in October 2023.

NMT may, if needed, staff select other firearms license applications to HRED licensing officers for initial review and processing if additional capacity is needed to help reduce a larger than average queue of pending license applications and ensure timely processing. However, NMT maintains final countersign authority for any firearms license application staffed to HRED for initial processing. Since May 2024 when the rule went into effect, NMT has staffed only 34 license applications (out of over 2300 received as of October 15) to HRED in order to ensure continued timely processing. HRED performed limited processing and review activities for these 34 applications to help address a temporary surge in the volume of applications received by ONFPC, and to address temporary staffing shortages during periods in which NMT licensing officers were on leave. NMT maintained countersign authority for these applications.

QUESTIONS SUBMITTED BY SENATOR KATIE BRITT

Question 1. Following the imposition of Section 232 tariffs, foreign industries have increasingly pushed excess steel production into downstream derivative products that can be shipped to the United States without paying Section 232 duties. China in particular has used its massive steel overcapacity to ramp up the production and export of downstream products. One example is fabricated structural steel, where

imports have increased by around 86% by volume and more than 100% by value since the Section 232 measures went into effect. Domestic steel mill shipments of products like beams have fallen as a result. I understand that a number of American steel companies have requested that the Commerce Department recommend that the Section 232 measures on steel be adjusted to include imports of fabricated structural steel as a derivative product. Do you have any updates with respect to the timing of the Department's response to this request?

Answer. The Department is committed to ensuring a level playing field that enables domestic workers and manufacturers to compete effectively with unfair trade practices by foreign competitors. The Department is further dedicated to contesting efforts to hinder or circumvent the efficacy of existing trade remedies, National security actions such as the Section 232 Duties, were implemented to resist such activities which threatened to impair the national security of the United States.

The Department is aware of the concerns raised by domestic industry regarding imports of certain derivative products of steel, including fabricated structural steel. The Department takes these matters seriously and, in cooperation with our interagency partners, continuously monitors the effect of such imports in the context of the national security objectives of Section 232. The Department will consider appropriate action as needed to uphold these goals if such imports are found to be occurring in such quantities or under such circumstances as to threaten the national security of the United States, potentially up to and including a recommendation for action by the President.

Question 2. Since 2002, Commerce has recognized Vietnam's non-market economy (NME) status, which applies to countries like Vietnam that do not operate on free market principles. Has the Department considered how treating Vietnam as a market economy under U.S. antidumping laws would weaken the ability to enforce U.S. trade laws and allow Vietnam to become a conduit for non-market distortions to flow into the U.S. economy? Please describe the impacts the Department anticipates in the U.S. economy if Vietnam were designated as a market economy. Please specifically include which domestic industries the Department believes would be harmed due to a change in Vietnam's market status.

How has the market economy status issue factored into other US-Vietnam negotiations or your other discussions with Vietnamese counterparts?

Answer. Commerce's October 24, 2023, announcement initiating the review of Vietnam's NME status was made after careful consideration of the information available, including the official request from the Government of Vietnam (GOVN) and comments from the domestic industry. This was not a discretionary choice—Commerce initiated because, by statute, GOVN's request met the legal threshold to initiate this type of review; however, the fact that Commerce initiated does not predetermine the outcome of the NME review. To the contrary, following the initiation of a non-market economy review, by law, Commerce is required to conduct a fact-intensive analysis of six statutory factors to determine the extent of government involvement in the economy, resulting in non-market activity. As part of this process, we do consider comments from relevant stakeholders, including U.S. businesses. At the request of interested parties, Commerce held a public hearing on May 8. Parties presented information both opposing and supporting Vietnam obtaining market economy status, based on material already included in their comments. The hearing was widely attended by U.S. domestic industries as well as the GOVN. Commerce is carefully considering all comments prior to issuing its final results, which we anticipate we will be releasing at the end of July.

Question 3. China has been engaging in a campaign of surveillance of the United States and its critical infrastructure. Chinese LIDAR sensors have the ability to collect a vast amount of information on U.S. critical infrastructure, geography, and human behaviors. Chinese LIDAR companies have flooded the U.S. market with low-cost, heavily subsidized Chinese LIDAR targeting state and local governments for the installation at intersection, airports, ports, and bridges.

China is using the same LIDAR sensors to enable autonomous tanks in China, and there is also evidence of Chinese LIDAR sensors have been deployed on Chinese police patrol vehicles and surveillance systems within China, including in Xinjiang province where egregious human rights abuses are being deployed against the Uyghur population.

The U.S. Department of Defense (DoD) recently designated the largest Chinese LIDAR manufacturer, Hesai Technology Co., Ltd. (Hesai), as a "Chinese military company" that is "operating directly or indirectly in the United States" under the 1260H Chinese Military and Military-Civil Fusion Companies List. This DoD des-

ignation follows Hesai publicly disclosing that "The PRC government has significant authority in regulating our operations and may influence or intervene in our operations at any time".

Given the national security risks associated with Chinese LIDAR sensor technology, particularly its use near critical infrastructure, will the Department of Commerce add Chinese LIDAR companies to the Entities List to cut off their access to U.S. technology?

Answer. The U.S. export control system has long recognized the importance of LIDAR technologies to our national security and foreign policy. The Department of State's U.S. Munitions List restricts the export of LIDAR specially designed for a military end user, and the Department of Commerce's Commerce Control List (CCL) includes export controls on certain types of multilaterally-controlled, dual-use LIDAR that can be important for military applications. These types of LIDAR technologies are controlled to all persons in the People's Republic of China (PRC). Additionally, certain lasers that fall below multilateral control thresholds are subject to restrictions when intended for export, reexport, or transfer (in-country) to military end users or for a military end use in the PRC.

Outside the export controls context, BIS is responsible for exercising the authorities delegated to the Secretary of Commerce in Executive Order 13873, "Securing the Information and Communications Technology and Services Supply Chain." The implementing regulations in 15 CFR Part 791 set forth procedures for investigating and determining whether an information and communications technology or service (ICTS) transaction involving a person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary:

1. poses an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of information and communications technology or services in the United States;
2. poses an undue risk of catastrophic effects on the security or resiliency of United States critical infrastructure or the digital economy of the United States; or
3. otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons.

If an investigation finds that a transaction poses an undue or unacceptable risk, the E.O. and implementing regulations provide a process whereby the Department can issue a determination to prohibit or mitigate the risk posed by the relevant ICTS transaction.

The Bureau cannot comment on deliberations by the interagency End-User Review Committee (ERC), including whether entities involved in specific industry sectors may be subject to review, or confirm whether ICTS investigations have been opened into certain manufacturers, including in the LIDAR manufacturing sector. However, as demonstrated by the U.S. Government's controls on advanced LIDAR systems to date, and our ongoing assessment of U.S. national security and foreign policy concerns related to transactions with entities with a nexus to the PRC, please be assured that this issue is one that the Department is closely monitoring. We will continue to act in close coordination with interagency partners, including the intelligence community, to ensure our tools are sufficiently robust to advance the national security and foreign policy objectives of the United States, and coordinate with allies when possible.

Question 4. Huawei has reportedly, in partnership with SMIC, fabricated 7 nanometer artificial intelligence chips that perform better than previously believed possible. These entities are also reportedly able to produce these chips at scale.

Question 4A. These companies are on the entity list, and the Biden Administration has stated that its export controls plan on stopping China from developing AI at this advanced level. Are there any policies the Department would change in retrospect, enact sooner, or not enact to make this AI development in China harder?

Answer 4A. The Entity List is one tool BIS may leverage to restrict access to technology subject to Commerce jurisdiction by entities acting contrary to U.S. national security and foreign policy interests. While BIS has listed a number of People's Republic of China (PRC) entities involved in the development of advanced computing integrated circuits on the Entity List, it has also taken a broader approach to limiting the PRC's access to advanced AI capabilities. In October 2022, BIS imposed country-wide controls on certain advanced computing integrated circuits, which can enhance supercomputing and AI capabilities, to all end users in the PRC. These systems are being used by the PRC for its military modernization and surveillance activities. In October 2023, BIS broadened the scope of these controls to apply to over

40 additional countries to address transshipment and diversion risk, as well as access to datacenters with advanced chips. The controls likewise restrict access by companies headquartered in, or whose ultimate parent company is headquartered in, Macau or a country subject to a U.S. arms embargo, including the PRC. BIS continually evaluates the effectiveness of these controls and adjusts the controls as necessary to ensure they advance U.S. national security and foreign policy objectives.

Question 4B. Huawei's sales are approaching $100 billion. Has the Department reviewed its policies such as export licenses that seemed to have contributed to this feat?

Answer 4B. Huawei and its non-U.S. affiliates have been listed on the BIS Entity List since May 2019, and BIS has updated the Entity List by adding additional non-U.S. Huawei affiliates as appropriate. Huawei is subject to a license requirement for all items subject to BIS jurisdiction, which includes certain foreign-produced items that are made with certain technology or software subject to BIS jurisdiction, or production equipment that is itself the direct product of U.S.-origin technology or software subject to BIS jurisdiction.

BIS, in collaboration with its partners from the Departments of Defense, State, and Energy, continues to assess the existing licensing policy for applications involving Huawei. Established by the prior Administration in 2019, the applicable licensing policy provides for a case-by-case review of applications for the export of items that support technologies below the 5G-level, and a presumption of denial for all other items.

Information in connection with any potential specific licenses or license applications for items under Commerce jurisdiction is prohibited from disclosure pursuant to section 1761(h) of the Export Control Reform Act of 2018 (50 U.S.C. 4820(h)) absent a written request on letterhead of a chair or ranking member of a Congressional committee or subcommittee of appropriate jurisdiction.

Question 4C. The press just recently reported that BIS is considering adding companies to the entity list in response to Huawei's recent breakthroughs. Yet the whack-a-mole approach has not demonstrated results, as shown by Huawei's own resilience. What other strategies and policies can be used to maintain US competitive advantages in this space? What policies does the Department believe it should revisit given recent failures?

Answer 4C. As outlined above, BIS has taken a comprehensive approach to restricting the People's Republic of China's (PRC) access to advanced computing integrated circuits and the equipment required to produce them, which the PRC uses to support its military modernization and surveillance activities contrary to U.S. national security and foreign policy interests. Use of the Entity List to restrict exports to entities involved in the production of advanced chips is just one aspect of this strategy. Additional steps BIS has taken include countrywide controls on advanced chips and related manufacturing equipment to the PRC, controls on third countries and PRC headquartered firms operating outside the PRC to address diversion and datacenter access, expanded jurisdiction over foreign produced items based on U.S. software, technology, or production equipment when destined to the PRC, and restrictions on activities of U.S. persons in servicing semiconductor production equipment for advanced node semiconductor production in the PRC.

In addition, BIS assesses that Huawei's attempts to produce advanced-node integrated circuits demonstrate the strengths, not failures, of the Department's strategy. Open-source reporting indicates that Huawei's lack of access to advanced equipment is forcing it to rely on costly and inefficient fabrication techniques, which lack the precision required to produce the most advanced chips at scale. We assess that Huawei's efforts to operationalize these techniques, despite their shortcomings, demonstrate Huawei's resilience and determination and the large amounts of resources the PRC government is willing to dedicate to overcoming our controls. But these efforts do not lead towards the conclusion that the Department's approach is not working. As BIS does with all its policies, we continually assess the effectiveness of our controls and make adjustments as necessary.

Question 5A. How many BIS licenses were approved for companies who wanted to do business with entities on the Department of Defense's 1260H list of Chinese Military Companies or Treasury's Chinese Military Industrial Complex (NS–CMIS) list?

Answer 5A. Under section 1761(h)(1)(B) of the Export Control Reform Act of 2018 (50 U.S.C. 4820(h)(1)(B)), information obtained in connection with licenses and license applications for exports of items under Commerce jurisdiction is prohibited

from disclosure by BIS absent a written request on letterhead of a chair or ranking member of a Congressional committee or subcommittee of appropriate jurisdiction.

It is important to note that different agencies have different authorities subject to different regulatory standards that can be applied in a variety of circumstances to address particular conduct. BIS engages with other agencies as appropriate to coordinate on measures to protect U.S. national security and foreign policy interests. As a consequence, different lists may have different firms, individuals, or other entities. However, when an entity meets the regulatory standard for addition to two or more lists administered by different agencies, we strive to harmonize listings to the extent possible. For example, in the Russia sanctions context, many entities have been designated by Treasury pursuant to Executive Order 14024, Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation, and were also added to the BIS Entity List.

Under the Export Administration Regulations (EAR), all additions to the Entity List require a majority vote of the End-User Review Committee (ERC), which is chaired by Commerce, with representation from the Departments of State, Defense, and Energy. The ERC determines whether the entity has been involved in, is involved in, or poses a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States, along with those acting on behalf of such persons.

While Treasury is not formally part of the export control "interagency" as outlined in Executive Order 12981, which sets forth the process for interagency review and dispute resolution of export license applications, under BIS's current leadership we have engaged regularly with our colleagues at Treasury to include discussions on the Specially Designated Nationals List and Entity List actions and to coordinate and discuss other matters of shared interest, and those conversations will continue.

In addition, in certain instances described in 15 C.F.R. 744.8, the EAR apply restrictions on exports, reexports and transfers (in-country) involving persons designated pursuant to certain Executive Orders administered by the Department of the Treasury as well as pursuant to select sanctions statutes. In these instances, when a person is identified and sanctioned pursuant to a particular authority, BIS imposes license requirements.

Question 5B. Has BIS reviewed all companies on the 1260H and CMIC list to determine whether those companies met the regulatory requirements for inclusion on the entity list? Please provide a description and result of the determination.

Answer 5B. BIS regularly reviews parties on other U.S. Government lists, including those maintained by the Departments of Defense, State, and Treasury. A number of entities on the 1260H list and CMIC list (or certain subsidiaries and affiliates thereof) have already been included on the Entity List based on a finding that such entities are acting contrary to U.S. national security or foreign policy interests. For example, People's Republic of China (PRC) entities such as Semiconductor Manufacturing International Corporation (SMIC) and Dawning Information Industry Co., Ltd. (Sugon) appear on the Entity List, the 1260H list, and the CMIC List because they meet the criteria for designation on all three lists and the restrictions imposed by each list have been determined to be impactful by the respective agencies who administer each list.

The U.S. Government has a number of list-based tools to restrict the activities of individuals and entities to protect U.S. national security or foreign policy interests. These list-based tools allow the United States to calibrate economic pressure and promote deterrence, while mitigating unintended economic effects on the United States and our partners and allies. For example, in certain circumstances, Export Administration Regulations' (EAR) restrictions may have little deterrent effect on a particular target that is not reliant on items subject to the EAR . In such circumstances, the CMIC List's restrictions on access to U.S. capital markets may have greater deterrent effect.

Although BIS administers and enforces the Entity List, BIS is not the sole agency that determines whether these companies would meet the requirements for inclusion on the Entity List. Specifically, under the EAR, the End-User Review Committee (ERC) makes all determinations for additions to, modifications of, or removals from the Entity List. Additions to the Entity List require a majority vote of the ERC, which is chaired by Commerce, with representation from the Departments of Defense, Energy, and State. The ERC determines whether the entity has been involved in, is involved in, or poses a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States. Any member of the ERC may make nominations for the addition of entities to the Entity List and Military End User (MEU) List.

Where appropriate, BIS has taken action to impose EAR-based restrictions on entities designated on other U.S. Government lists. For example, on March 20, 2024, BIS released a final rule revising 15 C.F.R. 744.8 to implement EAR license requirements for all items subject to the EAR for all persons blocked under eleven Office of Foreign Assets Control (OFAC)-administered sanctions programs after an extensive review of categories of end users and global activities that implicate both financial and export control concerns. BIS will also continue to apply long-standing license requirements involving all items subject to the EAR in connection with persons sanctioned under three other OFAC-administered sanctions programs. The EAR restrictions in 15 C.F.R. 744.8 involving these fourteen OFAC-administered sanctions programs serve as a force multiplier and complement OFAC's blocking sanctions, which prohibit all transactions by U.S. persons, as well as by non-U.S. persons if there is a U.S. nexus, that involve any property or interests in property of designated or blocked persons, unless authorized by a general or specific license issued by OFAC, or exempt.

Question 6. To date, the CHIPS Programing Office has announced grant funding to seven major semiconductor manufacturers (Samsung Electronics, TSMC, Intel, GlobalFoundries, Microchip Technologies, BAE Systems, Micron, and Polar Semiconductor) totaling nearly $30 billion. However, no supply chain projects have been awarded funding.

Question 6A. Additional announcements on CHIPS funding are forthcoming. However, it remains unclear how much of the $39 billion in semiconductor incentives is being made available under Notice of Funding Opportunity (NOFO) #1 and how much will remain for materials and equipment suppliers eligible under NOFO #2. What is your best estimate for how much funding might remain for the upstream supply chain?

Answer 6A. Background Response.—On June 26, 2024, the CHIPS Program Office announced that it signed a non-binding preliminary memorandum of terms for up to $75 million proposed Federal incentives with Entegris, a Colorado company that is a key supplier of advanced materials and process solutions for leading edge semiconductor fabs in the US. We are currently negotiating potential preliminary memoranda of terms with additional large semiconductor supply chain projects. In addition, the second NOFO, dedicated to small supply chain projects, received over 165 concept plans, and 53 applications were invited to the full application stage.

Response.—The Department will support the upstream supply chain both through NOFO #1 and NOFO #2. The Department is currently reviewing applications for large supply chain projects with capital expenditures greater than $300M or those that manufacture wafers under NOFO 1. Under NOFO 1, the Department has signed one non-binding PMT and CPO is currently negotiating potential preliminary memorandum of terms with additional large semiconductor supply chain projects. Further, the Department has reserved up to $500M for NOFO #2 where it received over 165 concept plans and invited 53 applications to the full application stage.

Question 6B. Considering increased demand for materials and equipment essential for the construction of new fabs, what is the Commerce Department's timeline for announcing CHIPS awards for supply chain projects?

Answer 6B. CPO received full applications for the Small-Scale Supplier NOFO through July 3, 2024. The application review process will consist of a review for eligibility and completeness, a comprehensive merit review based on evaluation criteria, and the application of one or more selection factors used to determine whether to recommend an application for award. CPO will continue to make announcements of PMTs for other applicants over the coming months. Each PMT will be different—a representation of the innovative approach our team has been taking to ensure that each project will be successful. See 6A Background Response for additional context.

Question 6C. As the CHIPS Programming Office reviews applications from supply chain projects, what consideration is being given to the direct funding cap and tax credit ineligibility to help guarantee that critical investments in semiconductor materials and equipment are, in fact, made here in the U.S., as opposed to overseas?

Answer 6C. For each application received the Department evaluates all funding sources available to applicants. The Department has worked closely with the Treasury Department to understand the Investment Tax Credit (ITC) eligibility as part of understanding the applicants' funding needs. As mentioned in the answers above, the Department is evaluating upstream projects through both NOFO #1 and #2. The Department is evaluating a number of large supply chain projects under NOFO #1 and has reserved funds for small suppliers through NOFO #2.

Question 7. In FY24 QFRs, the Department was asked about the results the Department expected to see in the next year, 2 years, and 5 years from the BEAD program as well as the benchmarks, metrics, or key performance indicators that would be used to evaluate the program. In part, the Department responded "NTIA has established robust financial and program progress reporting mandates that are aligned to the programmatic objectives and intended outputs and outcomes of each discrete program. These initiatives will ensure reporting that tracks, monitors, and collects data on project performance and results." The response, while true, missed the intent of the QFRs. The intent was to understand by what metrics the Department would know if the BEAD program had actually been successful and to ensure the metrics judging performance were chosen before implementation, not manufactured after BEAD money had already flown through implementation. The following questions reiterate more plainly the intent to understand what metrics are used to judge success and what are the desired changes in those metrics. The last question also asks about cost effectiveness in metrics.

Question 7A. Which specific metrics is the Department using to judge the program's success? Please be as specific as possible. These metrics should include both program administration and outcomes for U.S. citizens.

Answer 7A. The National Telecommunications and Information Administration (NTIA) will measure and evaluate the Broadband Equity, Access, and Deployment (BEAD) Program's success through the outcome of subgrants awarded to states and territories to build broadband infrastructure. The most critical key performance indicator (KPI) will be the BEAD Program's ability to ensure all American households have access to reliable and affordable high-speed Internet. This KPI will account for the number of unserved and underserved locations that are served with broadband.

Question 7B. What changes in those performance metrics between the status quo and different program milestones (year 1, 3, and 5 for example) will the Department view as a success? What changes in those metrics would the Department see as positive but insufficient to be called a success?

Answer 7B. Consistent with the Infrastructure Investment and Jobs Act, NTIA designed the BEAD Program to connect everyone in America to affordable, reliable, high-speed Internet service. As Eligible Entities and NTIA work to achieve that goal, NTIA has been and will continue to track different performance metrics pertaining to each phase in the BEAD Program implementation process. For example, in years 1–2 of the BEAD Program, Eligible Entities' milestones included applying for and receiving Initial Planning funds to support building out their State Broadband Office (SBO) capabilities, community engagement activities to support the development of their BEAD Program Five-Year Action Plan, and development (including public comment posting) of their Initial Proposal.

Once an Eligible Entity's Initial Proposal is approved, the next set of BEAD Program milestones include the Eligible Entity's execution of the Challenge Process and subgrantee selection process, which all culminate in the submission of the Final Proposal (year 3). Following NTIA's approval of an Eligible Entity's Final Proposal, the Eligible Entity will receive funds to begin funding BEAD Program projects. For this period, key Eligible Entity milestones include formally awarding subgrants and initiation of BEAD Program funded infrastructure projects.

As projects are implemented, key project implementation milestones include environmental and historic preservation (EHP) clearance and permitting approvals (generally within year 3–4 of BEAD Program implementation) and construction (generally within years 4–6 of BEAD Program implementation). During this phase, BEAD Program subgrantees will deploy service on a rolling basis as they build infrastructure. At this point, NTIA will track "locations passed" with infrastructure and "locations served," the latter of which indicates service is available for the location to subscribe to.

The goal of the BEAD Program is to connect everyone in America to affordable, reliable, high-speed Internet service. Each newly connected household and business is an important intermediate milestone toward that goal. NTIA is working closely with the Eligible Entities and Federal partners that fund broadband infrastructure to maximize the reach of BEAD Program funds and achieve universal connectivity. Every milestone that moves the process forward in expanding affordable and reliable high-speed Internet is a positive step to providing American households with access to technologies essential to connect with their communities, their democracy, and one another.

Question 7C. Does the Department have any metrics attached to dollars spent (such as a "unit x per dollar spent") in it's metrics? Which ones?

Answer 7C. The Department does not have BEAD Program-specific metrics attached to dollars spent. The costs to serve the wide range of unserved and underserved locations varies widely and depends on multiple factors (e.g. population density, geographic terrain, technology, pre-existing infrastructure/conduit vs. new (i.e., "greenfield") build. Given these variables, it is difficult to clearly benchmark a national cost, such as dollars per mile of deployed infrastructure or dollars per location passed. For this reason, the BEAD Program Notice of Funding Opportunity enables each Eligible Entity to take into account the cost factors specific to their state or territory as they award BEAD funding.

QUESTIONS SUBMITTED BY SENATOR DEB FISCHER

Question 1. As you are aware, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) publishes aggregate information on international tracing requests they process. Based on their most recent report, National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns—Volume Two, PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement, published January, 2023, there were less than 1% of legally exported traced firearms, which means that the other 99.33% of U.S. firearms legally exported are not used in crimes.

Question 1A. Did BIS consider this report before finalizing its Interim Final Rule "Revision of Firearms License Requirements?"

Answer 1A. Yes, BIS considered various reports during its policy review, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives, "National Firearms Commerce and Trafficking Assessment" (NFCTA) report published in January 2023.

Question 1B. Does BIS think that the policy decisions made in this Interim Final Rule offset the fact that less than 1% of the total firearms lawfully exported out of the U.S. are traced to crimes? If so, please explain.

Answer 1B. In developing the changes implemented by the Firearms Rule, BIS considered many reports and analyses on the diversion and misuse of lawfully exported firearms. BIS worked together with interagency export control partners in the Departments of Defense, Energy, and State, as well as other Federal agencies with technical expertise in firearms and related items.

In reviewing the ATF report and engaging with ATF experts, BIS concluded that ATF does not have a database of every crime gun in the world. Thus, its NFCTA report cannot be used to conclude that only 1% of lawful firearms exports are used in a crime. Instead, the ATF report analyzed a sample of firearms recovered by foreign law enforcement agencies and sent to ATF for tracing. ATF's analysis of all international crime gun trace requests received between 2017 and 2021 indicates that at least 11% of traced firearms were lawfully exported from the United States and later recovered in a foreign country. For countries outside of North America, at least 37% of firearms submitted to ATF were lawful exports; for countries in Central America, at least 19% of firearms submitted to ATF were lawful exports. The report therefore indicates that a sizeable portion of international crime guns are diverted from lawful exports.

Moreover, through our review process, BIS identified specific instances in which lawfully exported firearms were diverted in a manner that threatens our national security and foreign policy objectives. In one case, a firearm that was licensed for export to one country was subsequently diverted to a bordering country and used in a political assassination. BIS also identified instances of licensed firearms and ammunition exports being diverted to Russia via commercial resellers in third countries; such firearms and ammunition may be used to support Russia's further invasion of Ukraine.

In addition, partner governments, particularly those in the Western Hemisphere, have expressed concern that U.S. firearms are fueling violence, criminal activity, and instability within their countries. Based on this evidence and other evidence, we carefully reviewed and updated our policy to increase scrutiny of firearms exports to make sure they don't get into the wrong hands, while allowing exports of firearms that don't threaten national security or foreign policy interests. The vast majority of firearms exports are to partners and allies, and the rule will not substantially impact these destinations.

In other words, the rule is narrowly tailored to address risks to national security and foreign policy, and it will not unduly burden industry.

Question 2. According to the Export Control Reform Act, "Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests."

Question 2A. How do you respond to the concerns that the Rule would be a detriment to our national security by creating more opportunities in the international marketplace for other countries who are not our allies (i.e. China, Russia, etc.) to fill the void?

Answer 2A. As with all EAR controls, the changes in the firearms rules are designed to be as targeted as possible to accomplish BIS's mission to protect the national security and foreign policy interests of the United States. With respect to potential Russian and Chinese backfill, the Department reiterates its commitment to combatting the diversion and misuse of U.S. firearms by bad actors across the world, while allowing the export of firearms to end users who do not present national security or foreign policy risks. The Department will not engage in a race to the bottom with Russia and China to sell U.S. firearms to criminals and cartels.

Question 2B. Have you accounted for how the massive increase in BIS's license caseload and resulting lengthened time for license approval, particularly for allied partners like NATO countries, will reverse the strides we made with Export Control Reform and damage our country's ability to support our allies and trusted partners?

Answer 2B. BIS recognizes the critical importance of cooperation with allies and partners on export control implementation and enforcement. Coordinated implementation of export controls with likeminded countries is a hallmark of BIS's policy making, particularly in response to Russia's illegal war against Ukraine. BIS has made several recent regulatory updates to facilitate secure trade with allies and partners. This general approach informed our firearms policy updates as well. A:1 countries are excluded from many of the new requirements in the Firearms Rule, such as the requirement to submit a purchase order, as well as a passport or national identity card for natural persons, with an application to export firearms or related items.

In addition, the rule creates transparency with respect to destinations of concern, which will promote predictable and timely review of license applications and will help industry and other stakeholders understand the licensing process. It will also make the review process more efficient, thereby allowing BIS to focus time and resources on other license applications, including applications for exports to partners and allies and applications to government end users in all destinations.

Question 3. According to the January 2022 GAO Report cited in the Interim Final Rule, "27,000 firearms recovered from 2015 through 2019—the most recent data available—show that 40 percent came from the U.S. and the rest from 39 other countries." This data covers exports of firearms while controlled under the U.S. State Department, Directorate of Defense Trade Controls and is nearly 10 years old.

Question 3A. BIS has been licensing the export of firearms for the past 4 years. Does BIS have any current data to support such a drastic policy change?

Answer 3A. The Department regularly reviews its rules and regulations to better protect U.S. national security and foreign policy interests, which include countering the diversion and misuse of firearms and related items and advancing human rights. The Firearms Rule is intended to reduce the risk of legally exported firearms and related items being diverted or misused to fuel regional instability, drug trafficking, human rights violations, political violence, and other activities that undermine U.S. national security and foreign policy interests.

As noted above, in developing the Firearms Rule, BIS identified recent instances in which lawfully exported firearms were diverted in a manner that threatens our national security and foreign policy objectives. In one case, a firearm that was licensed for export to one country was subsequently diverted to a bordering country and used in a political assassination. In another, a license exception was used to export parts for the unlawful assembly of firearms in Taiwan. In addition, we have identified instances of licensed firearms and ammunition exports being diverted to Russia via commercial resellers in third countries; such firearms and ammunition may be used to support Russia's further invasion of Ukraine.

In addition to those specific cases, Commerce reviewed aggregate data showing that a substantial number of firearms recovered by foreign law enforcement agencies were lawfully exported from the United States. Partner governments, particularly those in the Western Hemisphere, expressed concern over the diversion and

misuse of lawfully exported U.S.-made firearms in their countries that were fueling regional instability, human rights violations, and political violence. For example, governments in the Caribbean region expressed concern that individuals are using license exceptions to bring firearms, particularly semi-automatic handguns, to their countries, and that those firearms are being diverted to violent criminals.

Question 3B. Do any of the 39 countries where firearms were traced back to have a similar policy of creating a presumption of denial for firearm exports?

Answer 3B. The factors set out in the rule are consistent with U.S. National Security Memorandum 18, the Conventional Arms Transfer Policy, and the criteria that the United Kingdom and allies and partners in European Union member states apply to similar transactions, including the consideration of human rights; the preservation of regional peace, security, and stability; internal repression, tensions, or armed conflicts; terrorism and organized crime risks; and diversion risks.

In particular, governments, in A:1 destinations have demonstrated a commitment to export controls as participants in the Wassenaar Arrangement and share our interest in countering diversion or misuse of firearms and related items, advancing human rights, and promoting mutual security. Over 100 countries are party to the Arms Trade Treaty (ATT). The ATT requires states party to consider whether exports of small arms and light weapons could be used to commit or facilitate a serious violation of international human rights, undermine peace and security, or be used for terrorism or organized crime.

Question 3C. Is there any concern that the presumed effectiveness of actions taken by BIS will not outweigh the harm the Department's policy is causing industry?

Answer 3C. BIS regularly reviews its rules and regulations to determine the effectiveness of its policies, including the impact of the policies on industry competitiveness. BIS will continue to monitor effectiveness and impact metrics to determine if any further updates are warranted based on national security or foreign policy.

Question 4. As you know, there is an ongoing surge in migrant activity in Mexico, which has greatly impacted the Mexican railroad, FXE. FXE is an important interchange partner with US rail carriers at the border—facilitating the movement of freight to and from the United States. These challenges have disrupted rail freight traffic through the El Paso and Eagle Pass gateways. Embargoes have been placed in response to the limited ability to handle these shipments in Mexico. How is the Department of Commerce engaging with the Mexican government to mitigate and prevent future rail disruptions at the border?

Answer. The Commerce Department follows disruptions at the U.S.-Mexico border closely given the tremendous impact they can have on U.S. trade and supply chains. Commerce has worked closely with U.S. Customs and Protection (CBP) to coordinate with the Mexican government to facilitate the movement of legitimate trade.

SUBCOMMITTEE RECESS

Senator SHAHEEN. So now, the subcommittee stands in recess until May 23, when we will have a hearing on the Budget Request of the National Aeronautics and Space Administration, and the National Science Foundation.

Secretary RAIMONDO. Thank you.

Senator SHAHEEN. Thank you, thank you very much, Secretary.

[Whereupon, at 4:27 p.m., Wednesday, May 15, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

THURSDAY, MAY 23, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:35 a.m., in room SD–192, Dirksen Senate Office Building, Hon. Jeanne Shaheen (Chair), presiding.

Present: Senators Shaheen, Reed, Schatz, Van Hollen, Heinrich, Peters, Moran, Capito, Kennedy, Britt, and Fischer.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NATIONAL SCIENCE FOUNDATION

OPENING STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. Good morning. The Subcommittee on Commerce, Justice, Science, and Related Agencies of the Senate Committee on Appropriations will come to order.

I want to start by, again, by thanking my Ranking Member, Senator Moran for the great partnership we've had. We are looking forward to writing yet another bipartisan CJS Bill, and hopefully we will get started on that soon. I want to welcome today's witnesses, NASA Administrator, Bill Nelson, former Senator Bill Nelson. We still think about you as in the family here. And NSF Director Sethuraman Panchanathan—I'm getting better, right? Affectionately known as Dr. Panch—to discuss their agencies' fiscal year 2025 budget requests.

Thank you both for being here today, and thank you Senator Nelson and your team for coordinating the visit with Artemis II astronaut, Christina Koch, who was in New Hampshire, and anyone who can keep a room full of fifth graders engaged for over 40 minutes is a great emissary for NASA. So, we really appreciated her visit, and I'm sure had a number of want-to-be astronauts in that room after she was there.

President Biden's fiscal year 2025 budget request for NASA and NSF would take steps in the right direction. The request includes $10.18 billion for NSF, which is an increase of $1.12 billion or 12.4 percent above fiscal year 2024 enacted. For NASA, the request is $25.4 billion, which is an increase of $509 million or 2 percent above the 2024 enacted level.

However, as Administrator Nelson, you and I discussed, I do have some concerns about the budget. I'm particularly concerned

about the cut to NASA Heliophysics for the third year in a row, especially since the next Heliophysics decadal will be released later this year. And of course, as you know, the University of New Hampshire is a leader Heliophysics research, including leading the HelioSwarm Mission.

I can point to the geomagnetic storm that we had last week to underscore how important our understanding of the sun really is. And fortunately, we didn't see any real damage as the result of that storm, but we know that those storms can interfere with satellite systems, with GPS, with radio communications, and studying the sun gives us real much better understanding of what the impacts could be.

So, it's also hard to overstate the effect of the Fiscal Responsibility Act caps on your agencies. We were forced to cut nearly $1 billion from critical science agencies in the fiscal year 2024 bill, and struggled to meet the high expectations to continue to invest in the Artemis Mission and the hugely popular CHIPS and Science Act.

So, we've seen reduced investments in innovation and space exploration. Those investments are through NSF and NASA really drive our economic competitiveness. They inspire the next generation of STEM leaders, and I worry that underinvesting in our Nation's future, especially in scientific innovation, will be challenging as we think about our future competitors.

So, whether developing the future of artificial intelligence or lunar space, NASA and NSF are on the cutting edge of technological innovation and instrumental in training the next generation of scientists, innovators, teachers, and technicians, in particular, in the STEM fields that will define economic growth and national security for decades to come.

And I think we all understand on this Committee, I know you both do, that we can't take our continued leadership in innovation and technology for granted. Our global competitors, especially China, are not waiting idly by. They're investing heavily in scientific and technological innovation. Earlier this month, China launched a mission to the dark side of the moon, which demonstrates an impressive technological capability.

Both NASA and NSF drive us onward through curiosity-driven inquiry and exploration. And they ensure that the foundation for the future in fields like AI and space exploration is built in the United States. It's imperative that we lead, not just keep pace, which is why I continue to be a staunch supporter of both NASA and NSF.

And with that, let me recognize my Ranking Member, Senator Moran.

OPENING STATEMENT OF SENATOR JERRY MORAN

Senator MORAN. Chair Shaheen, thank you very much. Thanks for your cooperation in this setting. And our other deliberations and work on the CJS Appropriation Subcommittee. I look forward to, again, having a successful opportunity for us to advance causes that we both believe in and that are important to the country.

And welcome to NASA Administrator Nelson, and to Director Panchanathan. We're delighted to have you back in front of our Committee. I think it's appropriate that both of you are here at the

same time. While you have different missions, and different responsibilities, and opportunities, the outcome of what each of you do benefits the country in very similar ways.

The President's budget of $1.1 billion increase for NSF and a $500 million increase for NASA, while these increases are significant, given the fiscal responsibility spending caps, they remain a challenge. We did the best that we could do with the numbers that we had for both of your agencies in fiscal year 2024, and I'm committed to doing that again.

That challenging allocation last year led to some tough decisions, but in my view, the subcommittee, the Full Committee, and the Senate, and Congress were able to protect many pivotal programs and missions, including Senator Nelson, Administrator Nelson, the Artemis Program.

Artemis will cement a new era in space exploration for the United States. There are 16 diverse Kansas suppliers that are supporting Artemis I Mission, and many more suppliers will be helpful in support of future Artemis missions.

Ryan Hernandez, Administrator Nelson, who you met when we visited D–J Engineering in Wichita, said at a press conference in which you were participating, and this is what he said, "I got goosebumps right now just to be a part of the Artemis Program and show off what we're able to do for NASA."

Artemis is not only important to our aerospace manufacturing workforce, but it's an inspiring opportunity for the next generation, and that's very important for our national economy and our national security. As Senator Shaheen said, China is a threatening adversary. Territorial land grabs on the lunar service and is making significant strides in their own space program.

Over the past several years, we have laid groundwork for the United States to remain the leader in the world space domain, but the outcome of that battle is not certain. It's imperative that we continue to build upon the foundation, which will ultimately move us beyond returning to the moon and on toward new goals such as landing astronauts on Mars.

As we approach an Artemis II launch, I look forward to hearing today an update on the mission and how the United States, will maintain our leadership in space. NASA's influence extends beyond space exploration. It drives innovation, education, and economic growth, which can also be said for the National Science Foundation.

A critical component of maintaining our Nation's aerospace and aviation leadership is advanced manufacturing. And Dr. Panchanathan, I appreciate the conversation we had just before this hearing began.

I would highlight for my colleagues on the Committee that the Chair of the Commerce Committee and I have introduced education and workforce legislation dealing with advanced manufacturing, and I bring it to your attention for your consideration.

Advanced manufacturing combines technology and craftsmanship to create economic growth and high-paying jobs, while also helping us to outcompete China in terms of efficiency and productivity. Institutions like Wichita State and Pittsburgh State University, which the NSF director visited last year, are at the forefront of ad-

vanced manufacturing and material science, driving innovation and competitiveness.

This hearing, I hope, will explore how we maximize the impact of Federal funding, encourage collaboration among agencies, academia, and private sector, and importantly, inspire future generations of science and technology to make certain investments are robust and fiscally responsible.

I'm committed to working with both of you, both of our witnesses, to ensure the Nation out competes all others in exploration, discovery, and innovation. And I would say to both of you, what you are doing is a noble calling. Our country desperately needs your agencies to be successful.

Our Committee needs to do what it can do to be helpful in that outcome. But we face tremendous challenges in our world today, and what happens in your departments and agencies are hugely important to have the success that we can have.

So, I wish you well, and we're here to help. But today, we'll hear what your requests are and how we can be that helpful.

Thank you both.

Senator SHAHEEN. Thank you very much, Senator Moran.

And we will now hear from our witnesses. Administrator Nelson, will you begin?

Senator NELSON. Thank you, Madam Chair.

And the fact that you are very legitimately an expert in Heliophysics these times must be particularly exciting to you. Not only the big solar storm that just occurred, but also the alignment of the moon, and the earth, and the sun into a total eclipse that a good part of America was able to see.

It's the first total eclipse that I had been in. I went to Cleveland, and it's a phenomenon that you just don't forget. Suddenly, the earth is turning dark in the middle of the day and the temperature is dropping rapidly, and at total eclipse, things are dark. And so, thank you for your expertise in Heliophysics.

Senator SHAHEEN. Well, I appreciate that. I don't want anybody to think I'm an expert. I believe in lowering expectations, but I'm certainly an admirer.

Senator NELSON. And Senator Moran, as you were talking, I want to recall that one of the finest space museums is located in Hutchinson, Kansas. And I had no idea when I was out there visiting with you. It's extraordinary.

And further to the south in Oklahoma, in Weatherford, Oklahoma, is another extraordinary space museum. That one, as a result of General Tom Stafford, the Gemini Apollo 10 and Apollo Soyuz astronaut who just recently passed away. One of the great treasures of America, and he has left a legacy there. Not unlike your museum in Kansas, that is a great benefit to follow the lead of the National Air and Space Museum here.

Senator MORAN. Your comments are very, very welcome, especially the first half of what you had to say. But I would tell you that while you must have arranged a call for Senator Shaheen, at some point in time, not too long ago, the astronauts for Artemis called as a group. And the beginning of that conversation was, "You do know, Senator Moran, that you have the best Space Museum in the world in Kansas.

[Laughter.]

Senator MORAN. That was also a very refreshing call. Thank you.

STATEMENT OF BILL NELSON, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Senator NELSON. And I am delighted to be here with Dr. Panch, and what the two of you said is absolutely true between the two agencies. We have a good bit of the Federal government's research and development. This is critical for our future.

And we know what you've been through. The constraints that you had to put on the budget for 2024 and 2025 as a result of coming up against the artificial ceiling of a debt ceiling that had to be raised so that the government would not go into default. And in order to get the votes to pass that you had to agree to compromises.

And some of those compromises were the reduced levels that are now affecting our two agencies. So much so that it's almost $5 billion less in NASA over those 2 years, 2024 and 2025. And when you come into, as we both been talking here about science, that is an effect of almost $2 billion, you know, over those 2 years. $1 billion a year just in science.

And so, Senator Kennedy and I were talking about southern colloquialisms. When you've got a five-pound potato sack and you got 10 pounds of potatoes that you want to have, but you only got a five-pound sack, you can't get everything done. And that's what we are facing on this fiscal year 2025, and what we faced last year on fiscal year 2024 budget. We can't get everything done.

And therefore, I've had to make some uncomfortable choices. Some of those choices we can go into detail more' Mars Sample Return, OSAM, those missions had to be scaled back because something had to be scaled back. The rest of NASA with the resources that you gave us, just we are very privileged.

I am very privileged to try to offer some kind of leadership to a bunch of wizards, and they really do impossible things. The James Webb Telescope, the hitting the asteroid and moving it, thus grabbing, and sucking up the sample from another asteroid, the needle nose jet that's going to fly the end of this year, supersonic, and it's not going to have that loud sonic boom.

I can go on and on the daily science that goes on the International Space Station, going back to the moon in order to be able to go to Mars. And that's what we're engaged in. And thank you for the opportunity to come and share this with you.

[The statement follows:]

PREPARED STATEMENT OF THE HONORABLE BILL NELSON, ADMINISTRATOR

Chair Shaheen, Vice Chair Moran, and Members of the Subcommittee, I am pleased to be here to discuss the President's $25.4 billion request for NASA for FY 2025. The President's FY 2025 budget request for NASA expresses the continued commitment from the Biden-Harris Administration to maintain and amplify America's preeminent place of leadership in humanity's quest to know the cosmos. The President's Budget prioritizes investments with a demonstrated return of value for the American taxpayer—investments in the future of deep space exploration, sustainable aeronautics, scientific endeavor, technological might, and inspiring the next generation, the Artemis Generation.

As history has proven, as the present has shown, and as the future will continue to demonstrate, to invest in NASA is to invest in the power, the principles, and the global leadership abilities of the United States. Investing in NASA benefits America and Americans.

We benefit America through NASA's Artemis campaign. The Artemis campaign represents the most diverse and broad coalition in space exploration. We are working with American companies and international partners to return astronauts to the Moon and then land the first astronauts on Mars.

Under NASA's leadership, humanity will make new scientific discoveries, test new technologies, and explore more of the lunar surface than ever before. Earlier this year, we witnessed the first successful lunar landing by an American company carrying NASA and commercial payloads to the Moon's South Pole region. The science and technology payloads sent to the Moon's surface as a part of NASA's Commercial Lunar Payload Services program will help lay the foundation for human missions and creating a sustainable human presence on the lunar surface. The Artemis II crewed flight test, fully funded in the President's Budget, will, for the first time in over half a century, fly astronauts around the Moon. The budget makes investments in the long-term architecture for Artemis, including funding for human landing systems and extra-vehicular suits; lunar transportation, habitation, and fission surface power that will enable humanity's sustainable presence on the Moon; and the Gateway lunar outpost, built with international partners, that will help enable operations on the surface of the Moon.

We benefit America through advancing our space technologies, which support the growth and competitiveness of the U.S. space industry and the creation of good-paying jobs and will enable future missions. By developing lunar robotic missions, communications on and around the Moon, in-situ resource utilization demonstrations, Commercial Lunar Payload Services, and other key elements, NASA will deepen our understanding of the Moon to prepare for humanity's long-duration stays on the lunar surface, and later, Mars. Additionally, NASA is partnering with the Defense Advanced Research Projects Agency and industry to develop and demonstrate advanced nuclear propulsion, one of several technologies under study that could enable more effective transportation in deep space.

We benefit America through our leadership in low-Earth orbit. Last year, NASA celebrated 25 years of International Space Station (ISS) operations, including 23 years with continuous human presence. This year, we continue to use commercial services to safely transport cargo and astronauts to the ISS to conduct critical research, science, and technology demonstrations. These operations inform and reduce risk for future missions to the Moon and Mars and provide insight and breakthroughs that directly affect life on Earth, including NASA's contribution to the President's Cancer Moonshot initiative. The President's Budget supports NASA in maintaining critical operations in low-Earth orbit while paving the way for a future sustained, commercially enabled American presence in space to continue creating scientific and economic opportunities.

We benefit America through our discoveries through the eye of NASA's James Webb Space Telescope, discoveries that represent an order-of-magnitude shift in our capability to see the universe. In 2023, NASA's Webb Telescope continued to unfold the secrets of our universe and inspire the world through breathtaking images taken during its first year of operations. The Webb telescope pulled back the curtain on some of the farthest galaxies, stars, and black holes ever observed; found methane and carbon dioxide in the atmosphere of a planet outside our solar system; and more. The President's budget request for NASA Science will continue supporting operations of groundbreaking missions like Webb, Hubble, and Perseverance. The request also invests in new missions and capabilities that will enable the next generation of world class science, including the Nancy Grace Roman Space Telescope, the Near-Earth Object Surveyor, Europa Clipper, Dragonfly, and Habitable Worlds Observatory Technology Maturation, to name just a few.

We benefit America through NASA's leadership in climate and Earth science. Much of what we know about our changing planet is rooted in NASA's more than 40 years of Earth observations. With over two dozen instruments aboard the ISS complementing those in free- flyer orbits, NASA uses its unique vantage point in space to better understand our changing planet. With the President's Budget, NASA will continue to bring critical, life-changing climate data back down to Earth. NASA's new Earth Information Center at Headquarters in Washington DC, and online, helps fulfill the Biden-Harris Administration's call to make climate data more understandable and accessible for all people. Through current and future Earth science missions like Landsat Next and building out the multi-satellite Earth System Observatory, NASA will continue to help all humanity understand and address the impacts of climate change.

We benefit America through NASA's key role in improving air travel and reaching net-zero aviation greenhouse gas emissions by 2050, by accelerating research and development of aircraft technologies that are cleaner, quieter, and greener. NASA is working with American companies to develop next generation aircraft and engines

that would make commercial airliners 25 to 30 percent more efficient. That will benefit our planet, the U.S. commercial aviation sector, and passengers around the world. Through ambitious experimental projects like the X–66 Sustainable Flight Demonstrator and the X–59 Quiet Supersonic Technology Low Boom Flight Demonstrator, NASA will continue to help revolutionize the future of air travel.

We benefit America when NASA identifies, enables, and utilizes talents from across all of humanity. This includes robust outreach efforts to students of every background to pursue education in science, technology, engineering, and mathematics and then implement that education through public service at NASA or within America's space industry.

All of these benefits—for America, for humanity, and for the planet—add up to this: To invest in NASA advances our Nation's abilities and leadership in making the impossible possible, in making the unknown known, and in inspiring the world through discovery while creating competitive and good-paying jobs in all 50 states. The President's Budget will help bring our Nation, our economy, and our people deeper into a new era of American ingenuity, innovation, imagination, and leadership.

Senator SHAHEEN. Thank you very much, Administrator Nelson.

Dr. Panchanathan.

STATEMENT OF THE HONORABLE SETHURAMAN PANCHANATHAN, DIRECTOR, NATIONAL SCIENCE FOUNDATION

Dr. PANCHANATHAN. Thank you so much.

Good morning, Chair Shaheen, Ranking Member Moran, and Members of the Committee. It's truly an honor to do this with you and Administrator Nelson. And we always enjoy working with each other, not only in terms of our partnership, but doing this hearing together, too. So, I really appreciate your partnership.

In 1950, the National Science Foundation was established to continue the Nation's investments in science and engineering that had begun during World War II to explore what Vannevar Bush described as the endless frontier, so that we might continue to unlock the secrets of our world and the universe, and in doing so, strengthen our economic and national security.

74 years later, we are surrounded by advancements that have been made possible by NSF investments in people and ideas. The Internet, smartphones, wireless technologies, 3D printing, doppler, radar, barcodes, nanoscale science, kidney exchanges, robotics, CRISPR, and MRI technologies, even the Magic School Bus, where all supported by NSF.

Hundreds of thousands of researchers, entrepreneurs, and STEM educators are supported by NSF every year, and countless startups have spun off from NSF's investments. Millions of people from elementary school students who are inspired by the promise of STEM to those already in the workforce, and are looking to acquire new skills for jobs in emerging industries are touched by NSF every year.

When we look at the early investment in an idea that revolutionizes an industry and yields incredible profit, we call that a wise investment. NSF continues to be an extremely wise investment for the United States. Every single American benefits every day from our commitment to unleashing the American spirit of innovation.

However, while we benefited greatly from being the first Nation to invest heavily in fundamental research and innovation, our competitors are rapidly catching up. Other governments, most notably the PRC, have copied our playbook, and they're investing heavily today in hopes of controlling the innovations of the future.

Take for example, semiconductor production. The offshoring of this critical sector, which happened slowly over many years, became a national security imperative when we felt the effects of chip shortages in automobiles and other industries. Congress and the administration acted quickly to invest in bringing that capacity back to the United States.

However, we must ensure that we do not face the same challenge in AI, in quantum information science, advanced manufacturing, or other critical technologies. That is why Congress did not pass just a CHIPS Act, but a CHIPS and Science Act, which recognize the investments in research today are the key to a more prosperous and secure future tomorrow.

The fiscal year 2025 budget, President's budget request for NSF, includes $10.2 billion, an investment that is vital to the United States, continued leadership in science, engineering, and technology. NSF has worked quickly and with intentionality to implement the CHIPS and science side.

Our flagship example of this is the regional innovation engines, which are the largest broadscale investments in the Nation's history to spur place-based innovation in critical fields of R&D and economic and societal importance.

Earlier this year, we announced the first 10 full-scale NSF engines, which will be the catalyst for the industries of tomorrow, and build new powerhouses of innovation and high-tech entrepreneurship in communities throughout our country.

In addition, NSF has funded 58 planning grants for future engines in almost every State of our Nation. Chair Shaheen and Ranking Member Moran, this includes two exciting projects in New Hampshire and Kansas. In New Hampshire, a team led by the Northern Forest Center is working on advanced forest ecosystem management and forest product innovation to unlock new opportunities in a circular bioeconomy for New England.

I can say that to all the Senators because every one of you is a representative of regional innovation engines. I won't have time. And in Kansas, Kansas State University is leading a robust network of partners focused on biosecurity, biodefense, and advanced manufacturing. Both projects are excellent examples of the incredible potential for coupling the ingenuity of our research enterprise, with the strength of our communities to create opportunities everywhere.

But these investments must be sustained to be successful. The fiscal year 2025 request includes $205 million for the NSF regional innovation engines, which will be critical to the continuation of the first 10 engines, and our ability to move forward with any of the projects currently in development.

NSF is committed to inspiring and empowering the talent that resides in communities throughout our Nation. We will continue to be intentional in growing capacity in EPSCoR jurisdictions, investing in minority, serving and emerging research institutions, and in our community colleges.

I'm happy to report that NSF not only met, but exceeded the CHIPS and Science EPSCoR funding targets for fiscal year 2023, and we expect that to continue into the future, which I know was a shared priority for NSF and for this Committee.

NSF has also keenly focused on protecting the integrity of our investments. We have taken research security head on, prohibiting funding for researchers that participate in malign foreign talent program, developing analytics capabilities to assess risks, providing training for the research community, and working closely with law enforcement and the intelligence community.

In the near future, we will begin piloting a risk rubric that will guide the agency in making determinations about the national security implications of projects in sensitive technologies.

Chair Shaheen, Ranking Member Moran, and Members of the Committee, our country is at a critical moment. We must seize the promise of technologies like AI while continuing to invest in the curiosity-driven research that feeds the industries of tomorrow and builds the workforce of the future.

In addition, we must invest in world-class research infrastructure that makes discoveries possible. There is incredible demand in the need for the next generation of telescopes, research vessels, high performance computing, and more. In addition, we face growing needs to recapitalize our infrastructure in the Arctic and Antarctic, two regions that are critical to not just scientific progress, but our geopolitical priorities.

Curiosity-driven research use, inspired innovations, and research infrastructure are all interrelated and are all critical to our global leadership. A prime example in is NSF's efforts to stand up the National AI Research Resource. The NAIRR, is essentially democratizing AI research capabilities and unlocking the potential of AI to transform fields from healthcare to weather modeling.

Our leadership in AI, quantum advanced wireless is critical to the economic and national security. These technologies must be rooted and guided by core American values such as openness, explainability, and integrity. I'm certain that our innovators are ready to meet this challenge.

However, we simply cannot meet this moment without investing significantly in the people who make this all possible. NSF greatly appreciates the support of this Committee, and I look forward to working with you to ensure American leadership in science, engineering, and technologies for generations to come.

Thank you for the opportunity.

[The statement follows:]

PREPARED STATEMENT OF DR. SETHURAMAN PANCHANATHAN, DIRECTOR

INTRODUCTION

Chair Shaheen, Ranking Member Moran, and members of the Committee, it is a privilege to appear before you to today to discuss the U.S. National Science Foundation's (NSF) Fiscal Year (FY) 2025 budget request to Congress. This is an exciting time for science and technology, and we are seeing new breakthroughs every day in industries like artificial intelligence, quantum science, biotechnology, microelectronics, advanced manufacturing, and other emerging industries. For nearly 75 years, investments in the research enterprise have fostered advancements in knowledge and progress in technology that have made the United States a global leader in innovation. The FY 2025 budget request builds on that foundation to ensure that the nation will remain at the forefront of science and technology into the future.

In the National Science Foundation Act of 1950 (Public Law 81–507), Congress established the U.S. National Science Foundation and charged it with supporting research "to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes." Since then, NSF investments have driven economic growth, contributed to technology that

enhances national security, strengthened the workforce, enabled breakthroughs in health and medicine, led to countless new technologies and consumer products, improved quality of life across the country, and sustained the nation's role as the international leader in scientific discovery and innovation.

In many cases, NSF investments in fundamental research led to critical outcomes, sometimes decades later, which were not foreseen. Many of today's transformational technologies, including artificial intelligence, quantum information science, and biotechnology, are the result of sustained investments going back several decades. Our future success depends on our ability to continue to expand the foundations of basic research, generate new knowledge and breakthroughs, and translate those discoveries into innovative new technologies.

The President's FY 2025 budget request of $10.183 billion is an essential investment in critical areas of research, education, discovery, and innovation that will make it possible to accelerate our progress, prosperity, and competitiveness. It builds on the historic framework laid out in the CHIPS and Science Act of 2022 for how we spur innovation and entrepreneurship, foster educational opportunities and enhance the workforce, and ensure that curiosity-driven exploratory research and use-inspired, solutions-oriented innovation continue to power the nation's growth, success, and leadership.

NSF'S THREE PILLARS

NSF's vision for the future of the science and engineering community is built on three key pillars. The pillars are essential to how we achieve the ambitious goals of the CHIPS and Science Act of 2022 and ensure that investments like the FY 2025 budget request can realize their full potential.

The first pillar is to continually strengthen NSF's core mission to accelerate discovery and advance state-of-the-art research through ongoing and sustained investments in every area of fundamental, exploratory research. This is the engine that drives the nation's advancement of knowledge and enables the translation of new ideas, new information, and novel approaches into products, solutions, and benefits for people, consumers, and society. The more we invest in this engine, the more it will power growth, prosperity, success, and leadership for the nation.

The second pillar is that we must inspire more people to join the Science, Technology, Engineering, and Math (STEM) community, and we must especially create opportunities and pathways for the Missing Millions, the millions of people throughout the nation who have the talent and ability to be part of STEM but are not making their way into STEM careers. Only by building a strong, diverse, and broad workforce of the future will we be able to capitalize on new opportunities that are the foundation for our future success, competitiveness, and international leadership.

The third pillar is accelerating the Nation's technology and innovation enterprise by enabling researchers, industry, entrepreneurs, and innovators of all kinds to translate research into solutions, products, and benefits for society. This means fostering partnerships and nurturing talent so that innovation ecosystems can contribute to the economy and our nation's global competitiveness at speed and scale.

FOUR STRATEGIC THEMES

There are four strategic themes in the FY 2025 Budget Request. These themes are areas in which investments today are critical to our success tomorrow, and in which failure to take action now will put America's STEM enterprise and our international competitiveness at a disadvantage in the near future.

1. Advance Emerging Industries for National and Economic Security
2. Build A Resilient Planet
3. Create Opportunities Everywhere
4. Strengthen Research Infrastructure

These themes align with the Administration's priorities of expanding basic research to tackle grand national challenges and empowering new approaches to applied research that spur technology transfer. The themes, expanded upon below, span the broad portfolio of fundamental research that is the heart of NSF's mission. They also stimulate new efforts and connect existing efforts throughout the research portfolio and implement requirements of the CHIPS and Science Act.

Advance Emerging Industries for National and Economic Security

NSF's Directorate for Technology, Innovation and Partnerships (TIP), the first new directorate at NSF in 30 years, sits at the crossroads of exploratory, curiosity-driven research and use-inspired, solutions-oriented innovation to drive translational research across all fields of science and engineering. This new direc-

torate is a critical new approach in how NSF carries out its mission in today's high-tech economy, and for FY 2025, $900 million is requested for the TIP Directorate to support its work to ensure that the U.S. remains in the vanguard of technology competitiveness for the foreseeable future. TIP advances key technologies; accelerates the translation of research results from the laboratory to the market and society; addresses national, societal, and geostrategic needs; and cultivates new education pathways leading to a diverse and skilled future technical workforce comprising researchers, practitioners, technicians, entrepreneurs, and educators. The TIP Directorate collaborates closely with all of NSF's directorates and offices in its aims to usher in a new era for American innovation, accelerating research to impact and enhance job and economic growth and national security. Serving as a cross-cutting platform that leverages, energizes, and rapidly advances use-inspired research and innovation as well as workforce development across all STEM fields supported by NSF, TIP helps to ensure that the U.S. remains in the vanguard of technology competitiveness for the foreseeable future.

A major achievement for the TIP Directorate is the NSF Regional Innovation Engines (NSF Engines) program. In January of this year, NSF was proud to announce the inaugural NSF Engines awards, which—if fully funded—could represent one of the single largest broad investments in place-based research and development in the nation's history. Spanning more than 15 states, these initial NSF Engines will harness regional talent and partnerships to spur innovation in areas such as semiconductor innovation, energy, climate resilience, environmental sustainability, textiles, agriculture, and regenerative medicine. These innovation ecosystems will catalyze new business and economic growth in those regions of America that have not fully participated in the technology boom of the past several decades. They will advance equitable and inclusive use-inspired research, entrepreneurship, and workforce development to nurture and accelerate regional industries. Collectively, they will contribute to long-term U.S. competitiveness. $205 million is requested for the NSF Engines for FY 2025.

The NSF Engines program is but one example of the agency's approach to spurring innovation, technological progress, and leadership in innovation across the nation. Additional programs include:

—The NSF Convergence Accelerator program will regionalize its approach to accelerate the translation of use-inspired research by investing in regional cohorts of transdisciplinary, multi- sector teams pursuing technology solutions to location-specific challenges in food and agriculture, disaster response and mitigation, and transportation, to name a few. $100 million is requested for Convergence Accelerator for FY 2025.

—The NSF Accelerating Research Translation (ART) program, in alignment with the CHIPS and Science Act authorization, will support institutions of higher education that wish to build the necessary infrastructure to boost their overall institutional capacity to accelerate the pace and scale of translational research. Importantly, ART will result in a network of ambassadors who will champion translational research throughout the Nation. $45 million is requested for ART for FY 2025.

—The NSF Experiential Learning in Emerging Industries (ExLENT) program will support inclusive experiential learning opportunities designed to provide cohorts of diverse learners with the crucial skills needed to succeed in the key technology focus areas and prepare them to enter the workforce ready to solve the Nation's most pressing societal, economic, national, and geostrategic challenges. $20 million is requested for ExLENT for FY 2025.

—NSF Entrepreneurial Fellows, authorized in the CHIPS and Science Act, will provide a diverse cohort of Ph.D.-trained scientists and engineers with the resources they need to bring promising ideas and technologies from the lab to market and society. These NSF Entrepreneurial Fellows will forge connections between academic research and government, industry, and finance, leading the way in technology translation. $10 million is requested for NSF Entrepreneurial Fellows in FY 2025.

Investments in Emerging Industries are especially important. These are areas of science and technology that will have enormous impacts on the economy and society and where U.S. leadership is critical to establishing foundations for future development that reflect the nation's values. By investing in our leadership today, we can ensure that each of these areas will continue to serve the interests of our economy, workforce, and communities into the future.

—Artificial Intelligence, including machine learning, autonomy, and related advances, investments will bring together numerous fields of scientific inquiry—

including computer and information science; cognitive science and psychology; economics and game theory; education research; engineering and control theory; ethics; linguistics; mathematics; and philosophy—to advance the frontiers of trustworthy AI, including advancing perception, learning, reasoning, recommendation, and action in the context of specific fields and economic sectors. NSF investments are needed to develop new foundational AI theory and implementation techniques, advance safety and security of AI systems, and foster novel AI methods that are inspired by use cases in specific application domains and contexts. NSF will play a key part in supporting implementation of the President's Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence (AI E.O.). For example, NSF investments in efforts such as the National AI Research Resource pilot will create opportunities for more researchers to access the computational, data, software, model and training resources needed to push the boundaries of AI and apply AI across areas of science and engineering. $729.16 million is requested for Artificial Intelligence for FY 2025.

—Biotechnology, including genomics and synthetic biology, investments will support fundamental and translational research, infrastructure, and education to understand and harness biological processes for societal benefit. It will propel advances in genomics, bioinformatics and data analytics, structural and computational biology, biophysics, synthetic and engineering biology, tissue and metabolic engineering, medical technology, the development of new types of biomaterials, bio-inspired data storage and microelectronics, and biomanufacturing, as well as accelerate the ability to harness biological systems to create goods and services that contribute to agriculture, health, security, manufacturing, and resilience to climate change, including natural and anthropogenic disaster prevention and mitigation. As part of the National Engineering Biology Research and Development Initiative codified in the CHIPS and Science Act, NSF investments in research at the intersection of the biological, physical, chemical, data, computational and information sciences and engineering, and social, behavioral and economic sciences will accelerate scientific understanding and technological innovation in engineering biology as well as assure public acceptance of the products of engineering biology. $421.18 million is requested for Biotechnology for FY 2025.

—Advanced Manufacturing, including robotics and sensing technologies, investments will accelerate breakthroughs in manufacturing materials, technologies, and systems through fundamental and translational, multidisciplinary research that transforms manufacturing capabilities, methods, and practices. NSF investments will further advance manufacturing through advanced energy and industrial efficiency technologies, resilient manufacturing strategies, novel methods in engineering biology, next-generation materials, and the power of data science, automation, robotics, and machine learning to intelligently design and develop future approaches that are secure, sustainable, and resilient to natural and anthropogenic disasters. $386.67 million is requested for Advanced Manufacturing for FY 2025.

—Quantum Information Science (QIS), including quantum computing and simulation, will advance fundamental understanding of uniquely quantum phenomena that can be harnessed for information processing, transmission, and measurement in ways that classical approaches do less efficiently, or not at all. Current and future applications of QIS differ from prior applications of quantum mechanics by using distinct properties that do not have classical counterparts. The development of new applications for QIS will lay the groundwork for one of the major technological revolutions of the 21st century. NSF investments are a key component of the National Quantum Initiative (NQI), aligning with the Administration's focus on critical and emerging industries. $294.37 million is requested for Quantum Information Science for FY 2025.

—Microelectronics and Semiconductors, including advanced computer hardware, investments will address the microelectronics and semiconductor challenges facing our Nation due to technological and global trends, such as the end of Moore's Law and offshoring of semiconductor fabrication and manufacturing. NSF will advance novel semiconductor design and manufacturing, enabling future advanced computing systems, including quantum computing and networking technologies. Investments will also advance next-generation materials and highly parallel chip designs that will improve the performance of AI algorithms as well as integrate advanced energy efficiencies for low-power and high-performance devices that will drive a mobile and wireless future, and smart sensors that will interface between biosystems and electronics. $174.97 is requested for Microelectronics and Semiconductors for FY 2025. Additionally, the

CHIPS and Science Act provides NSF with $200 million over 5 years for semiconductor workforce development activities.

—Advanced Wireless, including communications and immersive technology, investments will bridge knowledge gaps and advance innovations in areas critical to future generations of communications technologies, networks, and services, such as novel wireless devices, circuits, protocols, and systems; mobile edge computing; distributed machine learning and inference on mobile devices; human-machine-network interactions; ultra-low-latency connections; and dynamic spectrum allocation and sharing, all while ensuring security for all users. This investment will serve to advance both new active spectrum applications and spectrum used for non-commercial purposes, such as advanced receiver design and interference mitigation techniques for radio astronomy and atmospheric science. Additionally, NSF co-chaired the formulation of a 2021 National Strategy to Secure 5G Implementation Plan, which noted that fifth-generation wireless networks will spur innovation and enable the development of new markets, products, and services, thereby contributing to economic growth and job creation. Of particular importance in the Secure 5G Implementation Plan was the need to invest in the security and resiliency of these networks; NSF's Resilient and Intelligent Next-Generation Systems (RINGS) program, in collaboration with two other Federal agencies and nine companies, is directly aligned with this emphasis. NSF continues to be a leader in the development of Open Radio Access Networks (O–RANs); the FY 2025 Request will build upon efforts initiated in FY 2024 to augment testing and validation of O–RAN systems via the Platforms for Advanced Wireless Research (PAWR) testbeds, which are jointly funded by NSF and an industry consortium comprising more than 35 companies and associations. Finally, through programs like RINGS and PAWR, NSF will accelerate the lab-to-market translation of innovative research outcomes in academic and government labs to successful products and services for the benefit of society. $167.90 million is requested for Advanced Wireless for FY 2025.

Build A Resilient Planet

—*U.S. Global Change Research Program (USGCRP).*—($897.18 million) supports research that contributes to the USGCRP goals to (1) advance scientific knowledge of interconnected natural and human systems and risks to society from global change; (2) build global capacity to respond to global change through international cooperation and collaboration; (3) enhance the Nation's ability to understand and respond to global change by expanding participation in the Federal research enterprise; and (4) provide accessible, usable information to inform decisions on mitigation, adaptation, and resilience. In FY 2025, NSF will expand its activities related to risk and resilience, including efforts that will improve climate hazard and disaster resilience in communities, develop technologies needed to advance resilience research, support research on the human health implications of climate change, and grow the human capital to take on the climate challenges of today and tomorrow. NSF will also initiate activities for new approaches related to design in extreme environments.

—*Clean Energy Technology (CET).*—($500.52 million) investments are designed to identify and support transformative research to advance U.S. leadership in the clean energy transition and meet the U.S. Net Zero objectives for 2030 and beyond. NSF's investments in integrated clean energy research and education span longstanding programs as well as focused new solicitations and will support high-risk, high-reward research ideas across the science and engineering spectrum that create broad new understanding and innovations to support energy efficiency, enhance sustainability, support net-zero solutions for decarbonization, adapt to and mitigate climate change, spawn new industries and transform existing industries, and support translation and partnerships for innovation, as well as education and workforce development. NSF also will support multidisciplinary research in areas such as affordable green housing and sustainable systems for clean water, clean transit, and other infrastructure. In FY 2025, investments will focus on fundamental and convergent research, energy research infrastructure, innovation and translation, and education and workforce development.

—NSF will continue investments in *greenhouse gas (GHG) research* ($69.50 million), where NSF-funded projects will develop measuring strategies as well as reporting and verification systems with an emphasis on methane.

—Examples of other programs supported within the Build a Resilient Planet Theme in FY 2025 include further development of the *National Discovery Cloud (NDC) for Climate* ($30.0 million), a resource that will federate advanced com-

putational, data, software and networking resources, democratizing access to a cyberinfrastructure ecosystem that is increasingly necessary to further climate-related S&E, and the *Focus On Recruiting Emerging Climate and Adaptation Scientists and Transformers (FORECAST)* ($15.0 million) program, which centers on individuals from communities that have traditionally been underrepresented in STEM, making resilience research relevant to students and equipping participants with the broader skills necessary to excel in their future endeavors inside and outside academia.

Create Opportunities Everywhere

Today, ideas have been democratized in a significantly new way. Only a few decades ago, cutting- edge information in science and technology was largely confined to universities, research institutions, and industry R&D. But today, even the most advanced research knowledge is often only a click away online and the resources necessary for developing high tech applications and products are more accessible than ever to more people than ever. While ideas have been democratized, opportunities have not. These investments represent NSF's strategic commitment to developing the future-focused STEM workforce that enables Americans from every demographic, in every part of the country, to develop the skills and capabilities necessary to make the most of every new idea.

This is a comprehensive approach for attracting, supporting, and advancing opportunities for groups underrepresented in STEM. It is a whole-of-NSF strategy that incorporates all directorates and offices and surpasses prior efforts by striving to ensure equity in program delivery. It focuses on expanding access and inclusion in STEM along individual, institutional, and geographic lines.

To accomplish the essential goal of building the large, robust STEM workforce necessary to rapidly capitalize on every new idea, NSF relies on four guiding principles.

1. Address research equity
2. Build capacity
3. Foster collaboration and partnerships
4. Build in support for future generations

In FY 2025 we are building on existing investments to expand and scale Broadening Participation efforts by incorporating them into NSF's core research portfolio. For individuals, NSF will continue to make investments in democratizing STEM education and workforce. For institutions, NSF will be more intentional about how it engages Minority-Serving Institutions and Emerging Research Institutions in its formal and informal programs. For jurisdictions, NSF will expand support in EPSCoR jurisdictions to ensure geographic diversity.

NSF's commitment to finding talent provides opportunities that build strong STEM pathways that lead to a well-paid workforce and support the U.S. economy. Key investments include these areas:

—*Graduate Research Fellowship Program.*—($341.11 million) will support 2,300 new fellows in FY 2025.

—*Established Program to Stimulate Competitive Research (EPSCoR) Office.*—($258.37 million) provides strategic programs and opportunities that stimulate sustainable improvements to EPSCoR jurisdictions' R&D capacity and capability. EPSCoR aims to stimulate research that enhances jurisdictional competitiveness in NSF disciplinary and multidisciplinary research programs, especially those that drive economic growth and geographic diversity. Also, pursuant to the CHIPS and Science Act, all NSF research divisions will commit additional support for meritorious proposals from EPSCoR jurisdictions.

—*Hispanic-Serving Institutions (HSI).*—($55.92 million) program seeks to enhance the quality of undergraduate STEM education at HSIs and to increase retention and graduation rates of undergraduate students pursuing degrees in STEM fields at HSIs. The HSI program seeks to build capacity at HSIs that typically do not receive high levels of NSF grant funding.

—*The Louis Stokes Alliances for Minority Participation (LSAMP).*—($55.0 million) is an alliance-based program that works to increase the number of STEM baccalaureate and graduate degrees awarded to populations historically underrepresented in STEM disciplines.

—*Historically Black Colleges and Universities Undergraduate Program (HBCU–UP).*—($44.94 million) is committed to enhancing the quality of undergraduate STEM education and research at HBCUs to broaden participation in the Nation's STEM workforce. HBCU–UP provides awards to develop, implement, and study evidence-based innovative models and approaches for improving the suc-

cess of HBCU undergraduates so that they may pursue STEM graduate programs and/or careers.

—*Growing Research Access for Nationally Transformative Equity and Diversity (GRANTED).*—($40.0 million) will improve the Nation's research support and service capacity at emerging and underserved research institutions. GRANTED will use a variety of mechanisms and programs to further NSF's reach in advancing the geography of innovation and engaging the Missing Millions. GRANTED activities will support the enhancement of research administration and post-award management as well as the sharing and implementation of effective practices that lead to competitive proposal development for external funding in STEM research and training.

—*Eddie Bernice Johnson INCLUDES Initiative (NSF INCLUDES).*—($37.35 million) is a comprehensive national initiative to enhance U.S. leadership in STEM discoveries and innovations focused on NSF's commitment to diversity, inclusion, and broadening participation in these fields. The vision of this program is to catalyze the STEM enterprise to work collaboratively for inclusive change, resulting in a STEM workforce that reflects the population of the Nation.

—*Centers of Research Excellence in Science and Technology (CREST).*—($30.31 million) enhance the research capabilities of minority-serving institutions (MSI) through the establishment of centers that effectively integrate education and research. CREST promotes the development of new knowledge, enhancements of the research productivity of individual faculty, and an expanded presence of students historically underrepresented in STEM disciplines.

—*National STEM Teacher Corps.*—($30.0 million) aims to bring greater attention and recognition to outstanding STEM teachers in today's classrooms, reward them for their accomplishments, elevate their public profile, and create rewarding career paths in which all STEM teachers can aspire, both to prepare the future STEM workforce and to create a scientifically literate public.

—*Historically Black Colleges and Universities Excellence in Research (HBCU-EiR).*—($26.13 million) program supports projects that enable STEM and STEM education faculty to further develop research capacity at HBCUs and to conduct research.

—*The Tribal Colleges and Universities Program (TCUP).*—($20.90 million) provides awards to Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions to promote high quality STEM education, research, and outreach.

—*Alliances for Graduate Education and the Professoriate (AGEP).*—($9.93 million) program aims to increase the number of African American, Hispanic American, Native American Indian, Alaska Native, Native Hawaiian and Native Pacific Islander (or AGEP population) faculty in STEM at all types of institutions of higher education. The program funds projects that increase the understanding of institutional policies and practices to help doctoral candidates, postdoctoral scholars, and faculty improve their academic pathways to tenure and promotion in the STEM professoriate.

—*Build and Broaden (B2).*—($8.36 million) is an innovative program that supports research collaborations and partnerships between scholars at minority-serving institutions (MSIs) and other institutions or organizations. B2 supports projects that build capacity and enhance research productivity in the social and behavioral sciences at MSIs; contributes to more innovative science by diversifying research and widening the STEM pathways; and broadens participation of underrepresented entities in STEM entrepreneurship and innovation.

—*Analytics for Equity Initiative.*—($1.25 million) builds on the Evidence-Based Policymaking Act. Led by NSF with four interagency partners, this program will fund researchers to produce rigorous empirical research and actionable recommendations in equity-related topics aligned to agency Learning Agendas. Federal agencies and other organizations can use the resulting recommendations to increase the impact of equity-focused evidence-based strategies.

Strengthen Research Infrastructure

Support for Major Facilities operations and maintenance (O&M) ($1,120.33 million) continues to reflect a balance among multiple priorities. NSF divisions carefully allocate resources between research grants and O&M costs for research infrastructure. In addition to regular O&M needs to keep a facility functional, support for upgrades, significant periodic maintenance, and infrastructure renewal must also be addressed within Facilities O&M, which accounts for over 10 percent of NSF's total request in FY 2025. NSF continues to explore ways to invest in research infrastructure, at all scales, to keep pace with changing technologies, increased demand by users, and expanding research opportunities.

The *Mid-scale Research Infrastructure (Mid-scale RI)* ($192.45 million total, comprising $134.42 in agency-wide Track 1 and Track 2 program investments plus $58.03 million in division level programs), program supports research infrastructure with a total project cost above the upper limit for the Major Research Infrastructure program ($4.0 million) and below the Major Research Equipment and Facilities Construction (MREFC) threshold ($100.0 million). This dedicated funding line implements a high-priority, agency-wide mechanism that includes upgrades to major facilities as well as stand-alone projects.

The goals of the Mid-Scale RI program are to:

—Provide access to cutting-edge mid-scale research infrastructure, including instrumentation.
—Enable agile development and implementation of frontier scientific and engineering research infrastructure with a high potential to significantly advance the Nation's research capabilities.
—Train early-career scientists and engineers in the development and use of advanced research infrastructure.

In FY 2025, NSF investments will support Mid-scale RI Track-1 ($4.0 million to $20.0 million awards), funded through the Research & Related Activities account, and Track-2 ($20.0 million to $100.0 million awards), funded through the MREFC account. Both use an approximately biennial funding opportunity; the third solicitation for Mid-scale RI–1 (NSF 22–637) was issued in FY 2022, with awards made in FY 2023 and more anticipated in FY 2024. In addition, proposals have recently been received in response to the Mid-scale RI–2 solicitation (NSF 23–570), with awards anticipated in FY 2025.

The *Major Research Instrumentation (MRI)* ($82.82 million) program is responsible for catalyzing new knowledge and discoveries by helping STEM professionals acquire or develop the instrumentation needed for innovative science and engineering research. MRI grants support instrumentation in all NSF-supported research disciplines. In FY 2025, NSF will continue the implementation of CHIPS and Science Act provisions that began in FY 2023. These include waiving cost-sharing requirements for new MRI projects and supporting projects for equipment and instrumentation to conserve or reduce the consumption of helium.

Major Research Equipment and Facilities Construction (MRFEC).—Construction projects that require an investment of more than $100 million are generally supported in NSF's MREFC account. The FY 2025 Request includes funding for two projects: the Antarctic Infrastructure Recapitalization program, an enduring effort that replaces the Antarctic Infrastructure Modernization for Science or AIMS project, and the Leadership-Class Computing Facility (LCCF). The MREFC account also supports the Mid-scale RI Track 2 program, covering projects in the $20 million to $100 million range.

—The *Leadership-Class Computing Facility* ($154.0 million) is envisioned as a distributed facility that will provide unique computational and data analytics capabilities, as well as critical software and services, for the Nation's science and engineering research community to enable discoveries that would not be possible otherwise. The project will deploy a comprehensive range of education and outreach activities that will expand and nurture our Nation's future STEM workforce in data and computational science. Construction of the LCCF, funded from the MREFC Account, is planned to begin in FY 2024 now that the development and design phases, funded from the R&RA Account, are complete.
—NSF manages all U.S. Antarctic activities as a single, integrated program, making Antarctic research possible for scientists supported by NSF and other U.S. agencies. Impacts of the COVID–19 pandemic on U.S. Antarctic Program (USAP) operations required construction activities at McMurdo Station to be suspended and caused a significant delay in the completion of AIMS. In the meantime, other investments in facilities and infrastructure on the continent have emerged as priorities that cannot be deferred until after completion of AIMS. As a result, the *Antarctic Infrastructure Recapitalization (AIR)* ($60.0 million) program was conceived as a portfolio of investments in infrastructure across the USAP stations that will replace AIMS. On- ice AIMS construction will continue in FY 2025 with a focus on meeting near-term needs, and unfunded parts of AIMS will be considered for incorporation into the longer-term AIR program.
—In FY 2025, no funding is provided for *HL–LHC Upgrade* ($0.0 million) as the project is being completed. NSF investments are being used to upgrade components of the ATLAS and CMS detectors. These upgrades are approximately 40 percent complete and are anticipated to be finished in FY 2027.

—In FY 2025, no funding is provided for *Vera C. Rubin Observatory* ($0.0 million) as the eleven-year construction project is completed. Rubin will be an 8-meter class wide field optical telescope capable of carrying out surveys of the entire southern sky.

—*Mid-scale Research Infrastructure, Track 2 (Mid-scale RI).*—See discussion of Mid-scale RI above.

Design of Potential New Major Facility Construction Projects.—The FY 2025 Request supports the continued design of a single telescope within the U.S. Extremely Large Telescope (U.S. ELT) program. Consistent with a recent statement by the National Science Board to fund one telescope in the ELT program, NSF will initiate an external expert panel to conduct a review of the two U.S. ELT projects that will inform NSF's decision of which project will remain in the Major Facility Design Stage. A future decision remains about whether to advance that project to Construction, pending completion of the Final Design Phase.

RESEARCH SECURITY

NSF is expanding capabilities and competencies to protect the U.S. science and engineering enterprise through its Research Security Strategy and Policy activity. In January 2022, the National Science and Technology Council's Research Security Subcommittee, co-chaired by NSF, issued implementation guidance for National Security Presidential Memorandum 33 (NSPM–33) on National Security Strategy for United States Government-Supported Research and Development. The August 2022 CHIPS and Science Act contained several research security provisions that NSF is implementing. NSF participation in discussions with the U.S. research community and with international colleagues and development of common frameworks for understanding research security are major components of the NSF Research Security activity, which is expected to continue to grow in FY 2025. Specific activities include:

—As required by Section 10338 of the CHIPS and Science Act, NSF will establish the Research Security and Integrity Information Sharing Analysis Organization, to be known as the SECURE center, which will serve as a clearinghouse for information to empower the research community to identify and mitigate foreign interference that poses risks to the U.S.-funded research enterprise. The SECURE Center will share information and reports on research security risks and provide training to the research community. NSF aims to grant a SECURE Center award through cooperative agreement(s) by the end of FY 2024, officially standing up this Center in FY 2025.

—NSF will fund a Research on Research Security (RoRS) workshop on May 23–24, followed up with a RoRS funding program in FY 2025. The primary goals of the program will include assessment of the characteristics that distinguish research security from research integrity, improving the quantitative understanding of the scale and scope of research security risks, developing methodologies to assess the potential impact of research security threats, and assessing the additional research security risks in an innovation system that includes more use-inspired research rather than staying well within the bounds of fundamental research.

—NSF will continue to scale up its analytic capabilities to proactively identify conflicts of commitment, vulnerabilities of pre-publication research, and risks to the merit review system in NSF proposals and the Small Business Innovation Research due diligence process in FY 2025.

—Through a partnership with the Federal government interagency community, NSF published research security training modules for the research community in FY 2024. NSF will continue to fund the delivery of these modules and assess if more are required in FY 2025.

—As required by Section 10339B of the CHIPS and Science Act, NSF will develop and implement a new framework and IT system to begin to collect Foreign Financial Disclosure Requirements (FFDR) from NSF recipient institutions of higher education in FY 2024. NSF will refine the collection and analysis of these reports to enable OCRSSP to identify potential threats in FY 2025.

—NSF will develop and implement a new policy to review NSF proposals for national security concerns in FY 2024. As part of the new policy, NSF will develop TRUST, Trusted Research Using Safeguards and Transparency, comprised of risk-based indicators to inform the basis of this decisionmaking process. NSF intends to pursue and implement mitigation measures to address and minimize risk. NSF will begin a pilot program in summer FY 2024 and will continue the pilot program through FY 2025.

SEXUAL ASSAULT AND HARASSMENT PREVENTION AND RESPONSE

The success of the science and engineering enterprise depends on a safe research environment free from sexual assault and harassment, and NSF is dedicated to doing everything within the agency's power to achieve that. NSF has taken several steps to ensure that the United States Antarctic Program (USAP) is an environment that is free from sexual assault and harassment, and this continues to be a priority for the agency going forward. In 2022, NSF established a Sexual Assault and Harassment Prevention and Response (SAHPR) office to serve as a single focal point for this issue. We issued the Action Plan for Antarctica and established the SAHPR Task Force who were tasked with carrying out that Action Plan, which was implemented through a series of activities over the next year; all Action Plan items were completed by the end of that season. An on-ice victim advocate was deployed to Antarctica in October 2022 and listening sessions with USAP participants were held from December 2022 through February 2023. NSF established saferscience@nsf.gov in January 2023 as a single resource line for the NSF community who experienced sexual assault or harassment and all physical safety upgrades were completed by the end of February 2023. In April 2023, the NSF Antarctic 24/7 Helpline was added as an additional resource for the community and a supplement to the advocate, counselor, chaplain, and marshal stationed on the continent. These are only the initial steps NSF is taking in Antarctica, and changes to address the community's needs will continue to be made on an ongoing basis.

In parallel to these and other actions, NSF has used, and continues to use, other levers available in the Antarctic Support Contract to address this issue. NSF ensured that contractors understood the expectation that they and their sub-contractors must adhere to the codes of business ethics and integrity that are part of the Federal Acquisition Regulation. NSF also made necessary contract modifications clarifying the scope of required reporting of sexual assault and harassment, increasing reporting requirements to a quarterly basis, and expanding the level of detail to be reported. In September 2023, we added a SAHPR Office contact for streamlining reporting, and more recently, a Special Assistant for SAHPR Program Implementation was appointed within the Office of the Director. NSF is continuing to work to ensure that a range of support and reporting mechanisms exist so that everyone in the USAP community knows how to reach the type of support they need.

Many of these changes come directly from engagement with, and suggestions from, the USAP community. NSF is grateful to the community and hopes that they will continue to share their thoughts and ideas. The agency knows that there is more to do and that this must be a sustained effort, not just in Antarctica but throughout the research enterprise. While the SAHPR Action Plan was designed for Antarctica, and that continues to be its primary focus, NSF is also moving into a broader implementation phase that goes beyond specific responsibilities for the US Antarctic Program to ensure a unified agency approach. Ensuring a safe, harassment-free environment for researchers will continue to be a priority for NSF.

IMPROVE ACCESS TO AMERICA'S STATISTICAL DATA

Consistent with recent executive orders that highlight the importance of objective and trustworthy data and in alignment with the intentions of recent legislation, NSF is supporting efforts to streamline secure access to Federal data and build capacity for all individuals to use these data to inform critical policy and research discussions. Key investments include continued leadership of government-wide evidence-building activities and initiatives such as continued management of the Standard Application Process portal for applying to access confidential data from statistical agencies and units. FY 2025 funding will support expansion of this portal in features, usability, agency participation, and datasets. In addition, this funding will support the National Secure Data Service demonstration project. This demonstration project was authorized in the CHIPS and Science Act of 2022. FY 2025 work will continue to support the testing of a secure computing space as well as data concierge services and privacy-preserving technologies to expand the utility and use of Federal statistical data for evidence building.

CONCLUSION

This is a critical moment for the Nation's leadership in science and technology. Our ability to compete internationally, to power our economy, to foster a dynamic workforce, and to enhance our national security relies on sustained investments in the STEM enterprise and the American people who make it successful. The President's Fiscal Year 2025 Budget Request affirms the Administration's commitment to investing in the science and engineering research that makes that possible. It is

an investment in our nation's leadership, in the future of our workforce and economy, and in the role our nation plays as an international leader in discovery and innovation.

Thank you for the opportunity to testify before you today. With the continued support of this Committee and Congress, NSF stands ready to build on the CHIPS and Science Act and more than seven decades of investments to continue to strengthen our nation's progress, support our economic and national security, and foster opportunities everywhere so that innovation can happen everywhere, at speed and scale.

Senator SHAHEEN. Thank you both very much for your leadership and for your enthusiasm. We will now go to questions. Each member will have 5 minutes for questions in this round, and we will take members in the order of arrival beginning with myself and Senator Moran.

Administrator Nelson, I really appreciated the opportunity we had yesterday to talk about some of the challenges that NASA has given the fiscal constraints we're under. As you pointed out, we can't get everything done that we want to get done in the current fiscal environment. And on a bipartisan basis, we made the decision to prioritize the Artemis campaign because of the importance to scientific exploration and national security.

But as we know, the decision came at the expense of a number of other NASA directorates and as well as agencies across the CJS Bill. So, one of the things that I hope you will share with the Committee is what NASA is doing to hold contractors accountable for cost overruns and for scheduling delays.

Because as the NASA Inspector General estimates, that the first four Artemis launches will cost $4.2 billion each, not including $42 billion in formulation and development costs over the past 12 years. So, I think it's important that Congress and the American people know that we're doing everything we can both to support those missions, but to make sure they're as cost effective as possible.

Senator NELSON. Absolutely, Madam Chair. And as a matter of fact, that was one of the reasons that, many moons ago, we passed the NASA Act that set us off on the dual course with commercial partners. And so, as we go back to the moon in order to go to Mars, we go back with not only international partners, but commercial partners.

And the lander for the moon is being done by two commercial companies. The first competition was won by SpaceX, the second by Blue Origin. And in each case, the estimated cost of the lander was borne one-half by the commercial company, both SpaceX and Blue Origin. In other words, that cost NASA half.

Senator SHAHEEN. And can you speak to the dollar savings?

Senator NELSON. Sure. In that, as a matter of fact, the winning bid on the SpaceX was roughly—no, let me say this, SpaceX had offered $3 billion. That would be NASA's cost. The next two competitors offered $6 billion and $8.5 billion dollars.

So, if you take a target of $6 billion, SpaceX is paying for half of the lander. The same thing happened in the second competition that Blue Origin won. And of course, SpaceX was not a part of that. And basically, Blue Origin's part of the lander. In their case, it was roughly $3 billion as well.

Now, but you're asking a question about all of the science issues, and I'm happy to report to you that in the 2023, 2024 development

projects, of the 16 major projects, excluding Mars Sample Return, and we can talk about that of the 16, only 4 are behind time schedule.

Senator SHAHEEN. Well, I was really asking about the space mission, the Artemis Missions as a whole. And given the high cost, has NASA considered an independent review board for exploration? I came on late into the James Webb Telescope development, but I know that when the independent review board was set up, that that's when that project really started moving and the cost stayed within the constraints that we had.

So, do you think that it would make sense to look at something like that as we're looking at the space mission overall?

Senator NELSON. We are constantly having other eyes come in. There has been a GAO report. There has been the Inspector General's report. The fact is that when you go to the moon in order to go to Mars, it's hard. And that's what President Kennedy said at Rice University. He said, we go to the moon, not because it's easy, but because it's hard.

And I would call to your attention, since you're specifically asking about Artemis, that Artemis, they're saying it's $4 billion a copy, but that's all the development costs are in there. The more that you fly out Artemis, then you're going to amortize that cost and your costs are going to come down.

We have done other things. There were 16 contracts on the Artemis program. We are trying to consolidate that in just a few contracts so we can get greater responsibility and cost control.

Senator SHAHEEN. Thank you. I'm over time, but we can come back to this in the next round.

Senator Moran.

Senator MORAN. As I walked in, Senator Shaheen apparently was asking a question that I intend to ask, so I look forward to that further conversation. Let me continue, though, Administrator, with Artemis. Given the national security implications of China and the South Pole of the Moon, do you agree that Artemis is the priority of NASA as we go through our appropriations process?

Senator NELSON. It is clearly one of the top priorities because of the geopolitical situation that we are in a space race. But it portends something else. The reason we're going back to a different part of the moon, the South Pole, is we know there is ice in the crevices of the rocks that are constantly shattered. We have a probe on a commercial lander going later this year that is going to dig and see at the South Pole if there's water.

If there is, then there is rocket fuel; hydrogen, and oxygen, and that becomes a very one valuable resource. That's why China is going to the South Pole as well. And my concern, as I've stated publicly, so this is nothing new, that if we let China get there first, mindful of what China has done on terra firma, namely, go to the South China Sea, the Spratly Islands, saying this is now ours. Stay out everybody else, I'm concerned that they might—you can tell where a fella's going by where he is been, and that's my concern.

Senator MORAN. Senator Nelson, let me remind you of your days of being the United States Senator. The clock only gives me 5 minutes. Let me add to the Artemis conversation. The budget request indicates that there will be a further delay in the launch dates on

Artemis II, slipping to September 2025, and Artemis III launching no earlier than September 2026.

How confident are you in those dates for Artemis II, and III, and subsequent missions?

Senator NELSON. First of all, we don't fly until it's ready because of the safety of our astronauts. We think that September of 2025 for Artemis II is a realistic date, obviously, September of 2026 for Artemis III, which as you think about it, and I want this in the record, Artemis III, if you compare it to the Apollo program, is a combination of Apollo 9, 10, and 11, which was the landing on the moon and part of Apollo 8 that orbited the moon 10 times.

And so, it is a difficult task, and if we land, it is dependent on SpaceX having their lander ready. Now, they have hit all of their milestones, and in a couple of weeks, they're going to launch that huge rocket that has 33 Raptor engines in its tail. And they're going to do more showing the space worthiness of it. It is my hope that SpaceX will be ready with their lander.

Senator MORAN. Thank you. Dr. Panchanathan, I mentioned in my opening statement that this week Senator Cantwell and I introduced legislation to ensure that NSF is supporting artificial intelligence education, particularly in rural areas of the country.

Among other provisions, the NSF AI Education Act would support scholarships for undergraduate and graduate students who are studying artificial intelligence, including as it pertains to education, agriculture, and advanced manufacturing.

It also supports the provisions of AI resources to colleges and universities around the country with an emphasis on EPSCoR universities, tribal colleges, historically Black colleges and university, among other institutions. I just would like your reaction for the record to that legislation.

Dr. PANCHANATHAN. Thank you so much, Senator Moran. This is a fantastic opportunity for us to really scale rapidly the AI workforce. Let me give you a concrete number. We would need 3 million AI workers trained as early as 2026 in our country. We cannot wait. Our competitors are out competing and out innovating. This is not the time to slow down. This is the time to accelerate, and accelerate really fast.

These investments are very critical in AI because it impacts every sphere of what we do, whether it's agriculture. You mentioned agriculture. We launched 25 AI institutes in the last 3 years, and let me underscore that with we invested, at NSF, $300 million. We've got partnership investments of $200 million, including from the private sector.

This model of public-private partnership is how NSF is advancing in these critical areas. So, I'm very grateful for what you have done, and I think this is timely, important, and I would say very urgent.

Senator MORAN. I wasn't too concerned with you going over time as I was with Senator Nelson since you were endorsing my legislation.

[Laughter.]

Senator MORAN. Thank you very much.

Senator SHAHEEN. Thank you, Senator Moran.

Senator Peters.

Senator PETERS. Thank you, Madam Chair, and thanks to both of you for being here as witnesses, but also all the great work that you do each and every day.

Dr. Panch, I certainly share your belief that AI holds incredible promise for economic opportunity and human advancement, and that's why I want also want to applaud your budget's planned investments in this technology. Certainly, you are leaning in heavily, and it's quite apparent from your testimony, you're quite enthusiastic and passionate about it as well, which we appreciate.

It's also why, through last Congress, I championed the AI Scholarship-for-Service Act which passed as part of the CHIPS and Science Act back in 2021. My bill requires NSF to study the feasibility of starting a scholarship-for-service program on AI, and it found to be feasible to carry out that program.

So, my question for you, sir, is can you provide an update on the status of the feasibility study and speak to the potential positive impact of an AI scholarship-for-service program similar to NSF CyberCorps Scholarship for Service that you currently have?

Dr. PANCHANATHAN. Thank you, Senator. That's a very important question. I just want to underscore that the CyberCorps program has been hugely successful. Again, needing scale, but hugely successful.

So, this model of doing that for AI is an excellent idea. And to the point that you raised on the CHIPS and Science Act about delivering the report, we are about to deliver the report to Congress on the implementation and the feasibility of such a program.

I would say that the initial conditions are extremely favorable for us to engage in this kind of, you know, AI scholars program, because I think our country needs AI in every sphere, as I said, particularly in Federal Government, in provincial government, State governments, as well as other aspects.

We need a huge number of well-trained, skilled, technical workforce, and advanced trained workforce. So, this is very well placed, and you will have the report submitted soon to Congress. So, we are on our way in terms of developing that in response to the CHIPS and Science Act.

Senator PETERS. Great. We'll look forward to looking at that, and then making sure we're making the investments we need to make it a reality. I appreciate that.

And my only ask for you is as you're working to implement the Act, I would certainly like to invite you to Michigan to see some of the amazing scientists we have. I know you have some connections to the University of Michigan.

Dr. PANCHANATHAN. Yes.

Senator PETERS. But we have a number of great universities and really some amazing high tech innovative startups, particularly in AI. And if you're willing to come, we would love to host you.

Dr. PANCHANATHAN. I would love to be there. There are four AI institutes where Michigan universities are participating just to put this over the 2025, which is very exciting. That's what AI Institute do. They bring every part of our Nation. And so, I'm excited to come with you, sir.

And there are many other investments, not only in the University of Michigan, Michigan State, but all the institutions in Michi-

gan. We believe that it should be all of the institutions building, bringing the capacity for our Nation at this important time. Thank you so much.

Senator PETERS. Great.

Dr. PANCHANATHAN. And I accept the invitation.

Senator PETERS. Excellent. Well, we'll be sure to provide that shortly.

Administrator Nelson, great to see you again in the halls of Congress. I certainly enjoyed immensely serving with you here in the Senate. But I know you're incredibly happy where you are. It's a lifelong passion of yours.

As you know, NASA and the space program success are absolutely dependent on having a strong supply chain. And I'm proud that Michigan is a top 10 State in aerospace manufacturing, and it is home to over 900 aerospace-related companies, and continuing to grow especially given how we know how to make things in Michigan.

Advanced manufacturing is a key component of our competitive success, globally. And that also includes components for rockets in spacecraft that we're going to need for missions like Artemis II and others. So, my question for you, sir, is first off, will you come to Michigan to visit with some of these amazing manufacturers? But also, would you talk a little bit how NASA's dollars are supporting our small to medium domestic manufacturers, not just the big ones we all think about, and how we have to do more to have that incredible innovation that comes out of these smaller companies?

Senator NELSON. As we discussed, I'm coming in July. Look forward to it. Just on the Artemis program to the moon, you have 44 Michigan companies that are suppliers. By the way, we take very seriously the Buy American Act and the Executive Order that is similar. And so, I'm looking forward now on small suppliers.

I don't have the percentage in my head, but NASA has made a real effort over the time of these big space contracts that a certain percentage of that does go to small businesses. And I can get the specific small businesses in Michigan that would be a part of that, but overall, nationwide, it's a fairly sizable percentage.

And that's why each year when the Small Business Administration does their scorecard, you will see that NASA comes out very well.

Senator PETERS. Great, thank you. Thank you for your continued efforts on that.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Peters. We could keep both of you busy all the time visiting our States.

Senator Kennedy.

Senator KENNEDY. Thank you, Madam Chair.

I have listened to each of you gentlemen with admiration. Thank you for your intellect and your service. Mr. Administrator, I know I don't need to tell you about the Michoud Assembly Facility in Louisiana. We are NASA's rocket factory. We're very proud of it. A few years ago, a hurricane blew our roof off, and you helped us to get it repaired. And I want to thank you for that, Mr. Administrator.

I want to ask for your help with our administration buildings. Building Number 1 and Building Number 2, they were built, I think, in 1943. We're spending about $1 million a year in repair costs. We've certainly reached the point of diminishing returns. Can you help us get some new buildings there?

Senator NELSON. I can help you, but I need your help too. We have $5 billion of unfunded infrastructure needs. Give you an example. Last year, I was begging, and borrowing, and stealing to get the money for a little old bridge between Virginia and Maryland, so it wouldn't fall in the water. And we couldn't launch our rockets from Wallops Island, Virginia. And we shouldn't have to do that. I was trying to cut deals with Senator Richard Shelby in order to get that because it was a priority. But we've got $5 billion——

Senator KENNEDY. You can cut a deal with me.

Senator NELSON. Well, let me tell you, you've got 2,600 NASA employees in Louisiana. You've got that machine facility. You've got 13 companies that are directly working on Artemis.

Senator KENNEDY. Yes.

Senator NELSON. And need the body of that rocket is built right there, outside of New Orleans.

Senator KENNEDY. Well, if we get you some funding for the infrastructure that we know you need, I hope you'll keep our need in mind with respect to those two administration buildings.

Let me ask you about your work on the Mars habitation and life support systems. I know we talked about it in past Committee testimony, and we had some language in the Appropriations Bill. Basically, you've got a manufacturer, as I appreciate it, mockup, and eventual habitats for your missions to Mars. Is that right?

Senator NELSON. I think you're referring to where we put people in an enclosure and try to simulate what it would be like——

Senator KENNEDY. Yes.

Senator NELSON [continuing]. For a year——

Senator KENNEDY. Yes.

Senator NELSON [continuing]. On the surface of Mars?

Senator KENNEDY. Yes.

Senator NELSON. That is going on. Yes.

Senator KENNEDY. Can assembly centers like Michoud play a role in that?

Senator NELSON. If I recall, is going on at the Johnson Space Center in Houston.

Senator KENNEDY. Yes, sir. We can do it better.

Senator NELSON. Well, I'm always for better, faster, and cheaper.

Senator KENNEDY. That's me, too. Let's look better, faster, cheaper.

Senator NELSON. There you go.

Senator KENNEDY. Let's sit down and talk.

Senator NELSON. Okay.

Senator KENNEDY. Okay. Finally, in the time I have left, tell me about your SLS heavy-lift rocket for the Artemis missions.

Senator NELSON. Well, the core of it is built right in Louisiana.

Senator KENNEDY. Yes, sir.

Senator NELSON. Then, they stack the engines on it. They barge it up to not too far across the Louisiana-Mississippi line to the Stennis Space Center. They test the rockets, and then, the assem-

bled core of the rocket is barged to the Kennedy Space Center where then, vertically, it is stacked in the vehicle assembly building.

This next Artemis II that will go next year will start to be stacked this summer. The solid rockets first, and then, the core stage that's made in Louisiana will be done this fall. We tested it without a crew. The rocket performed flawlessly. It was so good that we did a whole bunch of additional tests.

But now the test is to put four human beings in that spacecraft on the top of the rocket. And that's the next mission; to check out all the life support systems in the spacecraft, which is the capsule on top called Orion.

And then, the third one is where we go into lunar orbit. They transfer into a SpaceX lander. It goes down, they stay 6 days on the surface. We're only going to send two of four astronauts down. They come back and rendezvous in lunar orbit, and then come home.

Senator KENNEDY. My time's up. Doctor, thank you for your service.

Dr. PANCHANATHAN. Thank you.

Senator KENNEDY. Don't forget Louisiana.

Dr. PANCHANATHAN. Thank you. I would love to come and visit Louisiana.

Senator KENNEDY. You welcome anytime.

Dr. PANCHANATHAN. One of the 10 regional innovation engines—Senator, last time you asked the question, if I can just take a minute.

Senator KENNEDY. Sure. Take all the time you need.

Dr. PANCHANATHAN. You said to me, we need to make sure that opportunities, ideas, talent is everywhere. We need to energize it everywhere.

Senator, I'm very pleased to report that one of the 10 regional innovation engines, type-2, which is a large scale on energy, is in Louisiana. And we have launched it, and we were very happy to do it with the Governor in an event that happened in Louisiana.

So, I just wanted you to know that in addition to that, we have also got the national AI research pilots and University of Louisiana at Lafayette is one of those projects. So, you'll be happy to know that we are taking this message of the entire Nation has got capacity to contribute and we should leverage that. So, I just wanted you to know.

Senator KENNEDY. Thank you, sir.

Dr. PANCHANATHAN. Thank you.

Senator SHAHEEN. Thank you, Senator Kennedy.

Senator Heinrich.

Senator HEINRICH. Administrator Nelson, you and I have talked about this before, but I am very concerned about the NASA caused damage to New Mexico's groundwater at the White Sands Test facility NDMA, TCE. And I've raised with this with you in the past, but I want to be very clear that NASA needs to get this wrapped up and compensate the State of New Mexico. What's the status of your settlement negotiations with the New Mexico Natural Resources Trustee?

Senator NELSON. We have spent $200 million, to date, to investigate and address the groundwater issue. We continue to investigate the sources of contamination, and NASA continues to work closely with DOJ and your New Mexico scientific agency, environmental agency, on what needs to be done to meet the final settlement discussions.

Senator HEINRICH. Okay. Before I was in Congress, I was the New Mexico Natural Resources Trustee, and I've got a lot of experience with Federal agencies really moving very slowly in those negotiations. So, I would urge you to simply try to get to yes, and make sure it's on a reasonable timeline because there is nothing more valuable to New Mexicans than their water.

Senator NELSON. Absolutely. We've done this in other States, and I can tell you straight up that we will continue this in New Mexico.

Senator HEINRICH. Thank you, Administrator.

Dr. Panch, talk a little bit more about the National AI Research Resource, and specifically, how important do you think it is to pass things like the CREATE AI Act that will build on that momentum?

Dr. PANCHANATHAN. Thank you very much, Senator, for the important question. First of all, I want to express my gratitude for your leadership as a co-chair of the AI Caucus and the CREATE AI Act. And also thank you for being present in the showcase that we had on the AI Institute.

You saw firsthand——

Senator HEINRICH. It was incredible.

Dr. PANCHANATHAN [continuing]. The 25 AI institutes, the people, the ideas, the translation, the new companies that are emerging. So, on the NAIRR, to answer your question on the NAIRR, as you know, we had 90 days from the Executive Order of President Biden, 90-day timeline that was given to us to launch a NAIRR pilot.

And this is an inter-agency effort. All agencies working together. I'm so proud to say, in 90 days, we got 12 Federal agencies, NSF, DOE, NASA, and all of the Federal agencies working together. And now on top of that, we have 25 non-Federal, non-government agencies as part of the NAIRR pilot.

So, we put in $30 million as part of the pilot. We got, you know, the who's who in AI, you know, Nvidia put in $30 million, Microsoft $20 million, of resources, and $10 million from Amazon, everybody. And so, this is a phenomenal accomplishment, I would say.

But it also testifies to the fact there's so much interest in wanting to have this done. Why is NAIRR important, to your question, again? We cannot have where AI talent and ideas are everywhere, that only the haves have the ability to be able to exercise those ideas because they have access to resources. It's got to be for everyone.

So, we unleash every possible idea and innovation all across our Nation. That's why NAIRR is very, very important. So, we need to go to full scale NAIRR very, very quickly. And so, the CREATE AI Act, I'm so grateful for your leadership and in Congress because that's also what's going to get us the near investments in time.

And I can assure you, it'll not be just only Federal investments. We will bring, like what you have shown in the pilot, companion

investments to make sure that we are unleashing every possible idea, talent, and innovation across our Nation.

Senator HEINRICH. When you look at some of the co-sponsors from across the aisle that have joined us on that CREATE AI Act, it's that idea of democratizing this to every State that is very appealing to them.

I want to touch on something that's related to that, and that's the EPSCoR Track-1 Program, because it gave States like New Mexico a fair shot at securing Federal research dollars. And the decision to do away with EPSCoR Track-1 has been a real blow to New Mexico in particular.

I want to see the New Mexico EPSCoR State Office funded. And I want to ask you, will you work with me to get this done with some sort of bridge funding while you sort out how to fill the gaps that were created by doing away with EPSCoR Track-1.

Dr. PANCHANATHAN. Senator, just I want to characterize this right. What we have done with EPSCoR is not doing away with EPSCoR. What we have done is, in fact, expanded, enriched, empowered more, but we didn't want one.

Senator HEINRICH. But it has resulted in the New Mexico office not being funded.

Dr. PANCHANATHAN. I'm happy to sit and talk about this, to your request. I'm happy to do that any time because I just want to make it very clear what we are trying to do is to expand even more opportunities. I talked to Senator Reed about this too. Even more opportunities, not just only one EPSCoR jurisdiction funding, but through the E–CORE and E–RISE programs, and EPSCoR Fellowship Program, that we are able to have many institutions and many more such grants being made possible to EPSCoR States. I want to make that very clear.

Senator HEINRICH. That sounds great, but that's not been our experience.

Dr. PANCHANATHAN. So, I know that any transition, as you can imagine, any transition—right now, we are already announcing the next round of EPSCoR, the E–RISE, and E–CORE programs. I understand that any transition may have some challenges, which are individual, and I'm happy to address them like, as Senator Reed, too. I'm happy to address them.

I'm happy to talk to you on the specific things and happy to see what we can do. Because my objective, and I want to be very clear about this, when I said this in my remarks, we exceeded the—when I came into this office, in into this role, EPSCoR percentages were about 13 to 14 percent of the NSF funding.

This year, sir, our CHIPS and Science allocation was 15.5 percent. It's what we were supposed to meet. We exceeded. We were at 15.9 in fiscal year 2023, and I expect that we're going to continue in fiscal year 2025, it's going to be 16.5. I expect that we are going to outperform because I am a firm believer that talent and ideas are all across our Nation.

Everything that we do at NSF, you can test this, it's not just words, it is actions, whether it is AI institutes, whether it is EPSCoR, that we want to make sure that talent and ideas are energized. So, any systemic issues that precludes this principle of expansion, we are happy to take that and see how we can be helpful.

Senator HEINRICH. Thank you.

Senator SHAHEEN. Thank you, Senator Heinrich.

Senator Reed.

Senator REED. Well, first welcome Senator Nelson. May I call you that? But I want to follow up on Senator Heinrich's—he asked you a very specific question. Are you going to build in resources so that we can keep operating EPSCoR in New Mexico and Rhode Island and not close the offices in August?

Dr. PANCHANATHAN. The E–CORE Program, Senator, is about capacity building. It is about exactly that. So, the two flavors that we have, or E–CORE and ERIs, this was based on a congressional report that was submitted by our Committee of Equal Opportunity. It's a congressional report-based recommendation.

There are two programs, I just want to be very clear. One of them is capacity building continuing to have that kind of a support for being able to have E–CORE successes. The other ERIs is about the State SNT plans and how we might then have groups incubated to expand the science and technology capabilities of the region also. So, that's what these two flavors are, and the fellowships are focused on individuals. So, all three are meant not to close down, but expand and enhance. So, I just want to make sure that it's not misunderstood.

Senator REED. So, you've not answered Senator Heinrich's question. You've not answered my question. Are you going to make provisions so that the EPSCoR offices will not be forced to be closed in August or so in——

Dr. PANCHANATHAN. That is a transition——

Senator REED [continuing]. Rhode Island and several other places. This your rollout has not been successful, to be blunt, because we're seeing now EPSCoR programs evaporate in the very States that we placed them in because we don't want every nickel from NSF going to MIT, and Stanford, and all the other big research institutions.

Dr. PANCHANATHAN. It is not happening, Senator, with all due respect. In fact, when I talk about the EPSCoR percentages increasing, it doesn't go to MIT. It in fact goes—we can, in fact, share all the——

Senator REED. That's because we wrote it, et cetera. And you are eroding that base. When our office has to shut down in New Mexico or Rhode Island, then the all the mechanisms to apply for EPSCoR, to engage in EPSCoR are essentially gone.

Dr. PANCHANATHAN. You have my word, Senator, that we will work with you. You said, I have not answered the question. I'm answering the question that we will work with the States. In fact, yesterday had a conversation with——

Senator REED. Well, I know you did, and it appeared to me is just telling them how screwed up they were, which is not what I expect the Federal agency to do to my State.

Dr. PANCHANATHAN. No, it was not. I think the specifications that we had about how the proposal should be submitted was not followed and we are trying to see how we can get that done. And as I said, I will make sure that we will not back away from building the capacity in the EPSCoR States.

You know, you're saying I'm not answering the question. I will go back and look at what the transition funding for those offices to continue operating so that we might not lose this bridge. And I'm giving you that.

Senator REED. Let me go back to another question, is how did you help these States to prepare for the new EPSCoR? Because the results are less than encouraging. I mean, we have a lot more time spending on administration figuring out the programs, what's new, what's not. And that's taking away from some of the substantive issues that you have to deal with in EPSCoR. You know, I just don't see an improvement here at all.

Dr. PANCHANATHAN. So, you asked about the help that we are providing. We, in fact, have launched a new program called GRANTED, which is focused on helping those States to be successful by providing all the information that they need in terms of putting successful grant proposals together.

So, in fact, even as of yesterday, we are having constant conversations, and people, I'm sure, in your State, will acknowledge the fact that we are having those conversations to see how we can build this capacity and have those successful proposals constructed.

Senator REED. Well, from our perspective, what we're seeing is these new awards are for less money and for shorter periods of time. And fewer applications seem to be successful which to me is not indication of a program that's being well-run.

Dr. PANCHANATHAN. I'm happy to share the details of the program. You'll see that it is about ultimately getting to have a lot more investments in EPSCoR jurisdictions because if you're going to follow the percentages of EPSCoR allocations, clearly you can see as the budget scales, we have already increased it to 15.9. And if you're going to 20 percent, it is going to be more investments in EPSCoR States, not in non-EPSCoR States, or the institution that you mentioned. It is not about that. It is in fact increasing the investments. So, it is not going to be about taking away from anything in EPSCoR for anything outside of EPSCoR.

As I said, I'm happy to have further conversations with your staff, with you, and share data to make sure that you feel that this is not something that is minimizing or marginalizing in any way. The EPSCoR focus——

Senator REED. Well, Director, we will have those discussions. But I'd like to see the results in the field, not discussions over a conference table in Washington, or a phone call to Rhode Island. Thank you.

Dr. PANCHANATHAN. Thank you.

Senator SHAHEEN. Thank you, Senator Reed.

Let me just say Director Panch, I share the concerns about EPSCoR. Under the CHIPS and Science Act, for fiscal year 2025, the target is 16.5 percent of research funding and 20 percent of scholarship and fellowship funding. And I don't know if you know exactly where we are in trying to meet those goals and how long it will take, but it is a real concern that I think we need to discuss further.

Dr. PANCHANATHAN. Happy to, Madam Chair. But, as I said, in 2023, we exceeded the goals, and in 2024, we are on track to exceed the targets also.

Senator SHAHEEN. Thank you. Administrator Nelson, I want to go back to the discussion about how we keep cost overruns and scheduling concerns in check. Does NASA ever withhold payments for contractors who are going over or don't meet the requirements of the contract?

Senator NELSON. Yes, ma'am. An evaluation is done on their performance. If they met the goal, then there's a certain payment that they get. If they didn't meet the goal, then they are docked.

Senator SHAHEEN. And as you're looking at Artemis V and beyond, has NASA considered thinking about commercially competing those launch services as well, given the success that you've had to date?

Senator NELSON. They are already competed. As a matter of fact, the schedule that is going on, Artemis III, is the first landing. That's a SpaceX lander. Artemis IV, a taller, more powerful rocket with more payload, but a landing as well. That's SpaceX.

But Artemis V is Blue Origin, and that is as a result of the second competition that I insisted on as I inherited NASA with only one award. And so, yes, and that's where we got the savings of approximately half the cost of the lander in both competitions.

Senator SHAHEEN. Thank you. Director Panch, as I said in my opening statement, the NSF in the President's budget request would have your budget increase by more than 12 percent. Can you talk about what you would like to do with that funding, if it does in fact, get through the process?

Dr. PANCHANATHAN. So, first of all, thank you so much for that question. NSF's budget of 2023–2024, you know, this was cut by 5 percent, but with the one-time allocations that we had done, because of the kind of—I wanted to clearly state, it ended up being an 8 percent cut for us related to 2023.

Now, if you look at the escalation of costs in terms of, you know, salaries and other things that happens, this is really a 10 percent cut to the budget, which we have been trying to manage in 2023. So, when we talk about the 2025 budget, and I hope that you know, that it would be a minimal investment that is made because we are essentially catching up. The 10.12 would be just a marginal improvement over what our '23 budget will have been. So, this is the real serious problem that we're facing in our country today.

Now, at the same time, as we are having this going on, China invested 10 percent more in their science budget with fundamental discoveries and outpacing United States. So, this is not a good thing for us. In fact, I would argue that we are handing our competition in a silver platter to our competitors, especially our adversarial competitors. So, this is not the time for us to do that. So, that's the first point I want to make.

Having said that, now to address your question, clearly, we need to now make sure that our investments in the fundamental core research programs which have been cut, you know, because of this significant cut, as well as the Graduate Research Fellowship Program, which has been scaled down, have to be brought back to what it should be. In fact, it should be much more than that. That's the first focus that we need to have.

Secondly, if you look at the regional innovation engine competition, just as another example, the amount of proposals that we're

ready to actually launch and be successful with partnership resources that we were not able to bring into play is huge missed opportunity. That's a second problem.

Third, is when we talk about the advanced technologies like AI, like quantum, like advanced manufacturing, wireless biotechnology, we are not investing enough in these areas. And that's what we are trying to do so that we can outpace, and outcompete, and out innovate. So, every one of these. And infrastructure is a very important—and I'm very worried about the fact that we don't have enough resources allocated for infrastructure also which is needed, because as we are trying to outcompete other nations and look at the Antarctic and Arctic program, and Senator, you are a strong supporter of that, we are not able to keep pace with these things.

And we need to be outpacing. We are not even able to keep pace and this is not a good recipe for us. So, there's a lot of components here that, I think, we need to invest more in. And some of that we will be doing, to address your question, in fiscal year 2025 budget, but it'll be nowhere near where it should be.

Senator SHAHEEN. So, how are you balancing the new Technology, Innovation, and Partnership directorate with the other needs of the agency?

Dr. PANCHANATHAN. I think what we're trying to do is to make sure that the needs of the agency, of the foundation, if you want to think of it that way, is as vibrant as it should be. And it can be because these are not two different things. I just want to draw attention to that.

The new directorate is a crosscutting directorate which actually works in close partnership with the science directorate and engineering directorate. In fact, many of those programs are jointly worked on so that it leverages what happens in the directorates, and also energizes what should happen in the directorates.

So, it's a two-way, kind of a symbiotic relationship. So, it is not like this is a separate thing or something that's happening that is taking away from something. In fact, all of these are working together so that each one is able to—because we cannot have AI innovations at the next level unless we are able to work with industry through the partnerships that we have in TIP, that then infuses newer ideas into our computing directorate, or geosciences directorate, or biosciences directorate, social behavioral, economic science directorate.

We need to have all of this. Mathematical physical science directorate, education directorate, all of them working together. So that's the model that we have at NSF, not like this Balkanized kind of thinking that, you know, typically might be how people construe this as if somebody gets this, then somebody else doesn't get that.

The institute is about how do you advance science, engineering technology and workforce development to outcompete.

Senator SHAHEEN. Thank you.

Senator Moran.

Senator MORAN. Thank you very much.

Administrator Nelson, aeronautics, hugely vital, important component. You've said the first day in NASA is related to aeronautics.

I appreciate that prioritization. How has NASA, how do they collaborate with industry and academia at ensure that the breakthroughs that NASA develops are successfully integrated into the commercial, private sector available to academia, increasing America's leadership in the aeronautical aspect of NASA?

Senator NELSON. I'll give you two examples that are ongoing right now. The X–59, which is the supersonic transport, but this is an experimental needle-nosed jet that's going to fly. It has this radical design. It is going to fly at the end of the year, and to see if we can go supersonic and not have the bam bam of the sonic boom. So, that you could fly overpopulated areas, and it would be a muffled roar, so that you could fly from New York to LA in two hours.

We do the research and that would eventually be turned over to the commercial sector. The other project that's going on right now called the X–66 is a joint project with Boeing on the future, single-aisle, mid-range aircraft.

Think the Boeing 737 that would get 30 percent fuel savings. By far the most trafficked airliner is that mid-range single-aisle aircraft, if you can get 30 percent fuel. And the design of this is a high on the fuselage, very long and thin wing so much that it has to be supported with truss.

And the truss also give you a lift, by the way. And then, these big, new improved fan jet engines, because it's higher off the ground, you can get newer—between the wing and the engines, we can save 30 percent of fuel. So, that is directly a joint project with NASA money and Boeing money.

Senator MORAN. I'm looking forward to seeing and hearing more about both of those projects.

Administrator, would you ask someone in on your team to visit with me and mine? I want to have a conversation about how some of the capabilities we have in Kansas for testing facilities of aircraft structures materials components better, how we can better support the research and efforts at NASA. If you just have somebody on your team, make sure that we have a conversation.

Senator NELSON. It's done.

Senator MORAN. Thank you. Got a minute and a half. I got six questions, and let me pick between one of them. Let me just say in passing, Doctor, that this report by JASON about security of scientific research, there's a report that's due today. I think the deadline is May the 24. I'm interested in knowing what NSF has to say about that. I won't ask a question, but if you can make sure that we know that.

And then NSF budget includes funding for leadership, classic computing facilities. Again, I'm probably out of time, so I just was going to raise the point about the growth in computing capacity in the private sector. How much longer should the government continue to build supercomputers that may be relatively obsolete by the time the construction is complete? Maybe that's a short answer.

Dr. PANCHANATHAN. No, I can give you a very quick answer. I mean, we work very closely with industry so that this problem that you're talking about, the becoming obsolete, it's a constant, you know, partnership with industry so that the latest and in fact the more advanced technologies are what we are deploying for the computing need.

As you heard, the response to the AI, the NAIRR pilot that we talked about, there is tremendous computing need right now on so many dimensions, whether it is, you know, climate mitigation or whether it is AI, whether it is quantum. The modeling needs are tremendous in every aspect of science and engineering.

So, it's important that we invest, but we also, to your point, we need to partner with industry very closely to understand their roadmaps of technology development so that we are, you know, integrating their future technology thinking as we are planning our own computing facilities, and that we do as we are looking at the future like the LCCF and others.

Senator MORAN. So, government is always slower than the private sector in these advancements, and we need to make sure that we're getting on the same path and not doing things that are obsolete.

Thank you, Chair.

Senator SHAHEEN. Thank you, Senator Moran.

Senator VAN HOLLEN.

Senator VAN HOLLEN. Thank you, Madam Chair, and welcome to both of you. Thank you for your service.

Dr. Panchanathan, let me start by thanking you for all the work that you're doing. I'm not going to have time to get an answer to this question, but I look forward to getting together with you for an update on a provision that I worked very hard to include in the CHIPS and Science Bill on a bipartisan basis to make sure that we engage all of our talent in order to move our country forward in the areas of science and technology.

In Maryland, we have four HBCUs, including Morgan State, which is a real jewel. In the United States of America today, no HBCUs have R1, Research 1, status. Morgan is at R2 and the provision that we included in the CHIPS and Science Bill was to make sure that we engage your help among others to make sure that we can move to R1.

Thank you for the efforts you're making there, and I look forward to a full report later along with the progress report on another provision that I included with Senator Blunt ensuring that we don't get caught—the United States don't get caught unprepared for what new technologies might arise in the future. We need to be constantly looking over the horizon.

Administrator Nelson, great to see you. Let me just start with some thank yous because I know that you recognize well that just as Florida is an important space, hey, so is the State of Maryland. And I want to thank you for confirming the Dragonfly Mission led by APL in collaboration with Goddard. Thank you for working with me and my colleagues on recommissioning the Jedi Mission on the Space Station.

Thank you for the infrastructure investment at Wallops. I believe you mentioned that, so I want to now ask you about a collection of other things because you understand better than anybody, this is all about the future. You and I met this week to talk about a number of important projects, including OSAM–1. And I want to thank the Chair, Senator Shaheen, for working with us to insert in the most recent Appropriations Bill the language on OSAM–1.

I'm not going to go into detail here, but OSAM–1, in my view, will provide the United States government with a very important capability, this robotic arm to refuel to service, but also to move satellites from one area to another.

And we have language in the bill, you know, requiring that you take a look at an updated plan for a scheduled launch in 2026. I also know that DARPA, among others, but DARPA may be interested in this capability as well.

So, my question to you is a very simple one. Are you committed to working with us to put forward the best good-faith effort to keep this mission going so that we can achieve the 2026 launch date?

Senator NELSON. Within the budget constraints, we're going to do exactly what you required in the 2024 Appropriations Bill. In addition, as we discussed 2 days ago, I have already initiated the visit with DARPA of what particular technologies that have been developed in OSAM can be utilized as we have a changing space environment than what OSAM was originally designed for in low earth orbit has now changed.

And so, the answer is yes. I, again, am so bold as to say Maryland is a very important State to NASA. You have 22,000 employees, you have $2.3 billion of NASA's $25 billion budget. Just under 10 percent of the whole budget goes to your State.

In addition to what you have already mentioned, we've got the next Landsat coming that's in Maryland, Dragonfly, you mentioned, which is an exciting new one, as well as Nancy Grace Roman, and the beginning of the planning of the technology maturation office for the next iteration telescope, which is the habitable worlds. So, there's a lot going on.

Senator VAN HOLLEN. Let me, if I could, it's a one-word question on habitable worlds. Thank you for ending there. Can you confirm, again, that NASA Goddard will be the lead agency on that program?

Senator NELSON. If you all concur, we have already requested that for a technology maturation office.

Senator VAN HOLLEN. Thank you.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Van Hollen.

Senator Capito.

Senator NELSON. By the way, you missed my comments about how much time and grief just to get that little old bridge going to Wallop Island.

Senator VAN HOLLEN. I wanted to make sure I acknowledge that. And thank you for that effort. I know it's——

Senator SHAHEEN. Senator Capito.

Senator CAPITO. Thank you.

I'm going to address Dr. Panch, if I can address you that way. You know, I've implored previous directors to not mothball that Green Bank Telescope. And you and I talked previously right before the new director, Dr. James Jackson, who started a few years ago. I just think we ought to talk about and tell everybody about the possibilities and the promise of radar systems in the area of planetary defense.

National Academy of Sciences has written of the dangerous effects of near-Earth objects. What role do you believe radio astron-

omy and specifically Green Bank, which is the largest, fully steerable telescope in the world located in West Virginia.

What role do you see there, and where do you see the future?

Dr. PANCHANATHAN. Oh, GBT is a tremendous asset. You know, just to put this in perspective, the $100 million GBT continues to be the cutting-edge resource that we have got for advancing science. As you know, that was part of the detection of the gravitational waves.

Senator CAPITO. Right.

Dr. PANCHANATHAN. And so, it's now 23 years old. And Senator, I was just talking to you just before this hearing that we are working on making sure that it's maintained well. So, we are constantly investing in ensuring that it's maintained well.

It's also being integrated into the next generation of radio astronomy. You talked about radio astronomy observatory, including the planetary defense objectives and so on. So, it's the integral part of the planning of what we do with the next generation, very large array, the ngVLA programs also. And in the current VLBA, you know, we have got a good portfolio of ground-based astronomy facilities for the work that we are doing.

So, the GPT clearly will have a very critical part and it will be a critical component of the ngGVLA. There's no question about that, which is currently in the design phase. We've just put that in the design phase. So, one way or the other, GPT will have a significant role because it's, as you said, the single largest dish radio telescope available for the U.S. astronomy community.

Senator CAPITO. Great.

Dr. PANCHANATHAN. So, we are working to make sure that we're working very closely as we are thinking about the future. Maintaining the current status of GBT and what it can do, but also what its role is in the ngVLA thinking.

Senator CAPITO. I look forward to working with you on that, and we're going to go set up that visit——

Dr. PANCHANATHAN. Yes.

Senator CAPITO [continuing]. To the beautiful part of our State.

Dr. PANCHANATHAN. I would love to come with you. Thank you.

Senator CAPITO. Well, it's good to see you, Senator Nelson. And I'll never forget when we sat together with our spouses, and you told me about your whole ride with NASA. And so, to see you here today, as we've seen many times, is really, really fulfilling.

We have the IV&V Center in West Virginia, which is critical to every NASA mission. But we also have the EPSCoR program that is important to institutions like our West Virginia University and others, Marshall, I too believe.

Where do you see EPSCoR in terms of growing and being able to get more and younger people interested in science, particularly young women, and more diverse populations?

Senator NELSON. We take it very seriously. We are making a direct effort beyond EPSCoR in order to get our space grants out to parts of the country that you may not think would be the recipients of space research grants. For example, the rural parts of the country.

Senator CAPITO. Good.

Senator NELSON. And this is all a part of our trying to be very inclusive with how we spend our research and development money.

Senator CAPITO. Well, those are essential dollars, particularly in rural America, as you said.

Let's go to the IV&V Center that does all the verifications. And I don't know that I've been briefed on this, or maybe you can help me with this. What kind of coordination do you have with the private sector at IV&V? Obviously, it's not the research, or the verifications are not all researched by or all performed by NASA, or some of them are contractors.

Can you talk about the public-private partnership there?

Senator NELSON. Yes. There are 60 direct civil servants matched with 364 contractors.

Senator CAPITO. Right.

Senator NELSON. And that's what we're doing. The economic effect extends beyond that into 700 jobs.

Senator CAPITO. Right. And I will say, too, they do internships and cooperative arrangements with the Fairmont, but also West Virginia University, and whoever's in their surrounding area, again, to spur the next generation workforce onto this. So, when is Artemis going to go up?

Senator NELSON. September of next year, 2025.

Senator CAPITO. Can I come and bring all my four granddaughters with me?

Senator NELSON. I wish you would.

Senator CAPITO. Good. That's a commitment. I'm going to make sure it's kept.

Senator NELSON. We'll see if we can make it not like Artemis I that was at 1:45 in the morning.

Senator CAPITO. Well, they may just have to stay up. Thank you very much.

Senator SHAHEEN. Thank you, Senator Capito.

Senator Britt.

Senator BRITT. Thank you so much, Chair Shaheen, and Vice Chair Moran for having the subcommittee hearing to discuss NASA and the National Science Foundation's fiscal year 2025 budget request.

Certainly, appreciate the two of you being here in front of us today. I want to take this opportunity to express my thanks and appreciation to the civil servants, the suppliers, the contractors, all of who work tirelessly to continue to support the missions at Marshall Space Flight Center.

I want to note for the record that I have absolute full faith and confidence in Marshall's newest director, Director Joseph Pelfrey. He has done a tremendous job, and am excited to continue to be able to work with him.

Administrator Nelson, I understand the budget realities and fiscal constraints that you were under when formulating this budget request. And I just want to say thank you. Thank you for continuing to fund several of Marshall's key priorities that are critical to carrying out so many of the missions there; space launch system, the human landing system, and the nuclear thermal propulsion. I am greatly appreciative and look forward to working with you on each of those.

I know we must continue to invest in these important programs, and I want to thank Chair Shaheen and Vice Chair Moran for their commitment to making sure that these are properly funded. Maintaining the Artemis mission schedule is imperative to ensuring that we beat China back to the moon.

However, earlier this year, NASA revealed that because of various safety and hardware issues, the Artemis II mission is now delayed until September, 2025. So, nearly 1 year behind schedule. I appreciate NASA's diligence in addressing these issues, specifically the heat shield in Orion and spacecraft where the crew will be housed. The safety and wellbeing of our astronauts is of the utmost importance, and so I appreciate you making sure that that is a priority.

Administrator, question for you. Are you properly resourced to address the safety and hardware issues to ensure that Artemis II can safely launch and is not further delayed?

Senator NELSON. I can assure you we will not launch until it's ready. We have had to make tough choices, and in this budget, for expiration, we are down a half a billion dollars. We will make do with that. We are still on the schedule for September of 2025. Artemis II is meeting all the milestones.

Senator BRITT. Good.

Senator NELSON. We are doing extra examination of some of the unusual things that happen on the heat shield.

Senator BRITT. Good.

Senator NELSON. And, obviously, we're not going to fly that until we're ready.

Senator BRITT. Thank you. And Mr. Administrator, if there is anything that is going to delay that further, we'd just love a commitment from you that we can continue this conversation. So, if there are things that we need to be doing for you, I'm aware of that, and we can do our very best to make sure we put safety first, and we also stay on time.

Another question in that vein, you know, I am the daughter of two small business owners, and I understand how uncertainty negatively impacts sometimes the little guy the most. And so, as you consider the industrial base for SLS, many of the suppliers are very small companies. And I would argue these hardworking folks, many of whom are Alabamians, are the backbone to continued success in missions all across our country.

But, certainly, there with SLS, I just want to associate myself, since I am almost out of time, with Senator Peter's comments on just continuing to make sure that we place emphasis on these small businesses. It's my opinion that in order to maintain the industrial base capabilities and supply chains, that these people have irreplaceable knowledge and skills.

And so, it is critically important that we think about this as these delays occur, that there's continued work for them to be doing.

I want to switch gears real quick before I'm finished to NASA's Vision 2040. I believe it's important to bring NASA into the 21st century and ensure that we retain a skilled workforce while also continuing to recruit the best and brightest talent.

However, there are several aspects of Vision 2040 that do give me some concern. It's my understanding that Vision 2040 recommends that the program managers who oversee many of NASA's critical programs will now report directly to headquarters.

I strongly believe that our centers who are responsible for the success of NASA programs, whether it be SLS, or spacesuits, or exploration ground systems, should retain their direct oversight and responsibilities of their program managers, their workforce, and their program's long-term success.

So, Mr. Administrator, I would like for NASA to increase transparency here, and would like to get a commitment from you to just keep me informed of any additional Vision 2040 recommendations before they're implemented.

Senator NELSON. Well, of course.

Senator BRITT. Thank you so much.

Senator NELSON. And I want to recommend that you talk to Joseph Pelfrey about your concern that things are going to go flying off to other States.

Senator BRITT. Okay. I'll do it.

Senator NELSON. The program office is in Washington for Moon to Mars. That was the same during Apollo. The program office was where you can bring everything together. Now, in your ask about suppliers for Artemis, you have 85 companies in Alabama that are suppliers. The amount of money NASA sends to Alabama is $2.7 billion each year. That's about 14 percent of NASA's entire budget.

Senator BRITT. And boy, we're grateful.

Senator NELSON. And that includes 24,000 direct NASA employees. So, Alabama is a very big part of what is happening and is inextricably entwined in the success——

Senator BRITT. Thank you so much, Mr. Administrator.

Senator NELSON [continuing]. Of NASA and our Moon to Mars Program.

Senator BRITT. We are really proud of the work that has done in our great State, and excited to continue to see it happen here. And thank you for your commitment.

May I say just one more thing? I realize I am out of time, Madam Chair. Director Panch, I just want to say—I am out of time, and she's being so gracious to allow me to say this—I would like to just associate myself with Chair Shaheen's comments, Senator Reed's comments, Senator Heinrich's comments, just when we're taking a look, obviously, at Track-1e, we're looking at the—I have great concerns. And so, I am out of time and I appreciate the grace, but if you will just associate me with her comments on this and know that it is a concern that I have deeply as well.

Thank you.

Senator SHAHEEN. Thank you very much, Senator Britt. And thank you both for your testimony this morning and for your service to the country.

ADDITIONAL COMMITTEE QUESTIONS

If there are no further questions, Senators may submit additional questions for the subcommittee's official hearing record. We would request that NASA and NSF respond to those within 30 days.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO ADMINISTRATOR BILL NELSON, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

QUESTION SUBMITTED BY SENATOR PATTY MURRAY

Question 1. In FY24, NASA was directed to establish a Biological and Physical Sciences consortium with academic institutions for space exploration research and technology development. Can you provide an update on NASA's efforts to establish this consortium?

Answer. On May 17, 2024, NASA released the solicitation for proposals from consortia with biological sciences expertise to carry out research investigations and/or conduct activities that address NASA's established space-relevant science interests in health, animal, and plant sciences. The consortium shall consist of a team of investigators from multiple organizations who have complementary skills and work together to achieve overall research progress that is greater than progress achievable individually. NASA is currently reviewing proposals received. The selected proposal will be awarded $2.5M total for the period of performance, with a maximum duration of 5 years. The Agency expects to announce the consortium selection by late 2024.

Question 2. Can you explain the role you see Nuclear Thermal Propulsion playing to achieve NASA's Mars ambitions?

Answer. Mars architecture studies show that nuclear propulsion is one of several technologies that could be used for future crewed exploration mission. Other candidate technologies include solar electric propulsion and chemical propulsion. Each of these offers various advantages in terms of propulsive efficiency, cost, technological readiness, mass, and other parameters relevant to such a mission.

2a. How do you see NASA expanding and partnering with companies and universities in the Pacific Northwest to further develop Nuclear Thermal Propulsion capabilities?

Answer 2a. NASA engages a broad spectrum of commercial partners within the Nation's nuclear industry across the country. These engagements include the Ultra-Safe Nuclear Corporation (USNC) based in Washington State. NASA has been working with USNC to implement innovations that could enable an advanced reactor design to achieve the extreme operational temperatures that would be required for a Mars transportation system. NASA plans to continue our engagement with USNC and other industry reactor designers as integral partnerships to leverage the contributions they can offer to achieve our nuclear thermal propulsion development goals.

Question 3. The University of Washington has been selected for the Earth System Explorers Program to monitor and understand the recovery of the ozone layer. Can you explain why it's important for NASA to conduct research on climate change and its impact on the earth?

Answer. NASA uses the unique global vantage point of space to observe the Earth environment, including the drivers and impacts of the changing climate. Scientific discovery provides the factual, unbiased, and trusted means to document, understand, and forecast these changes in the Earth system and allows us to help understand, mitigate, and adapt to climate change. Leaders at all levels, from family businesses to global suppliers, must have the best scientific insight and knowledge to inform their actions. Through partnerships with a dozen Federal agencies, as well as regional, state, local, and tribal authorities, NASA Earth science helps advance the services that citizens and businesses across the country count on to protect their lives and livelihoods. From seaside towns who wish to know more about their changing coastlines, to communities in wildfire-vulnerable areas, to city-dwellers looking to track smog in their neighborhoods, everyone around the world can benefit from research on climate change.

The Agency's constellation of space-based global observing platforms has increased in capability in the recent decade due to advancing technology and the increasing number of national and international partners now active in the Earth science enterprise. NASA continues to innovate through efforts such as the Earth System Explorers Program, which aims at exploring additional capabilities rec-

ommended by the National Academy of Sciences, Engineering and Medicine (NASEM) and thereby continuing the advancement of the collective Earth-observing capability. Through these efforts, NASA has become a leader and trusted partner in providing climate and Earth system observations, research, applications, technology, and actionable information to scientists, decision-makers, and the public. In addition, NASA's free and open data supports research across the Federal government, academia, and the private sector. The Agency is committed to continuing to work alongside international, Federal, state, tribal, and local partners to advance understanding of, and response to, our changing planet.

Question 4. Blue Origin was selected last year as the second provider for the Artemis Lunar Lander. Could you provide an update on the latest developments regarding the Human Landing System?

Answer. NASA, in collaboration with SpaceX and Blue Origin, is making steady progress in the development of the Human Landing System (HLS) spacecraft to support the Artemis lunar exploration missions. NASA's HLS engineers are working in tight collaboration with SpaceX and Blue Origin, providing substantial subject matter expertise and access to NASA test facilities. Despite the challenges of executing the ambitious Artemis missions, NASA has confidence that, together with the HLS providers, these missions will be safe and successful.

Additionally, to develop large cargo transportation capability by leveraging the work on human landers, NASA initiated Human-class Delivery Lander (HDL) development under the existing HLS contracts. Since November 2023, both SpaceX and Blue Origin have begun to develop special configurations of their landers that will be able to deliver cargo to the lunar surface, such as a pressurized rover or habitat.

Development of SpaceX's HLS Starship (Artemis III and IV).—Beginning in April 2023, SpaceX has conducted four flight tests of its Super Heavy booster and Starship architecture, launching from its launch site in Boca Chica, TX. During these tests, SpaceX has demonstrated fundamental and critical capabilities for the HLS and supporting spacecraft that will be needed to re-fuel the HLS in space for Artemis III. These demonstrated capabilities include Starship ascent and stage separation operations; booster stage boostback burns and a landing burn just above the surface of the Gulf of Mexico; and upper stage Starship operations including on-orbit cryogenic liquid oxygen transfer between two propellant tanks, hypersonic re-entry maneuvers, and a landing burn above the Indian Ocean.

Looking ahead, SpaceX plans to execute multiple additional Starship flight tests, with the next one planned for October 2024. Before NASA employs the HLS Starship for the crewed Artemis III mission, there will be multiple in-space demonstrations of critical HLS capabilities such as an in-space propellant transfer test between two Starship vehicles and an Uncrewed Lunar Landing Test. These tests, as well as the Critical Design Review, are planned in 2025, per the contract milestone schedule. SpaceX is also developing infrastructure at NASA's Kennedy Space Center (KSC) to enable Starship launches from KSC Launch Complex 39A.

SpaceX has completed technical milestones in the design and development of multiple HLS subsystems including propulsion, life support, and mechanical systems such as an elevator and a docking adapter. For example, SpaceX completed its HLS Docking Adapter Qualification Review milestone in December 2023.

The qualification campaign included testing of a SpaceX docking system test article at NASA Johnson Space Center's Six-degree-of-freedom Dynamic Test System (SDTS) facility.

Development of Blue Origin's HLS Blue Moon (Artemis V).—NASA selected Blue Origin in May 2023 for a second Human Landing System (HLS) award to develop and demonstrate Blue Moon Mark 2 lunar lander. Blue Origin completed its HLS Preliminary Design Review in February 2024 and is working toward their Critical Design Review (CDR) Milestone in 2025. The CDR is the point in a project development where the design of the system is complete and meets NASA requirements. Blue Origin has also conducted tests for the New Glenn rocket launch pad infrastructure and launch countdown. Blue Origin continues development, qualification, and production tests to mature the BE–7 lunar lander high-performance engine. In FY 2024, the provider completed several milestones including:

—Integrated Lander Design Analysis Cycle (DAC) 5a—May 2024
—Blue Origin New Glenn 1st Stage Engineering Development Unit Tanking Test at Launch Complex 36—June 2024
—Blue Origin/Creare Cryocooler Preliminary Design Review (PDR)—June 2024
—DAC 5b—July 2024
—Blue Origin Research Engine (R1) Hot Fire for BE–7 testing at Air Force Research Lab (AFRL)—July 2024

Upcoming steps include launch of Blue Origin's MK1 lander, an uncrewed risk-reduction pathfinder mission to the lunar surface planned for 2025. Also, the first New Glenn launch is scheduled for fall of 2024.

Question 5. The Space Technology Mission Directorate's budget request includes a line that would enable NASA to fund one or more commercial companies to perform close inspection of space debris objects of interest to NASA, laying the groundwork for safe removal of those debris objects from orbit in the near-term. Please explain how this funding will assist NASA in demonstrating United States leadership in domestic in-space servicing activities in the near-term?

Answer. The FY 2025 Space Technology budget request includes funding within the Small Spacecraft, Flight Opportunities, and Other Technology Demonstrations to support a technology demonstration named Small Spacecraft Propulsion and Inspection Capability (SSPICY). SSPICY is a system level demonstration of small spacecraft propulsion and close inspection of multiple resident space objects (RSOs), which may include debris. This investment will simultaneously advance U.S. commercial in-space servicing capabilities while gathering key data on the current conditions of debris that have spent decades in space. Characterizing the potential docking surfaces and state, position and orientation, and tumbling nature of these objects is necessary for future safe capture and disposal and may help further the development of debris remediation technologies.

Four industry partners were selected in FY 2024 to lead mission concept studies ($200,000 each) using SBIR Phase III based contract mechanisms with the potential to transition to a FY 2024- 2026 orbital demonstration with a cost cap of $30.0M. On September 25, 2024, NASA announced selection of Starfish Space of Seattle, WA to transition from a mission concept study to an orbital demonstration.

QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

Question 1. The FY 2024 Consolidated Appropriations Act (Public Law 118–42) included report language directing NASA to establish a Habitable Worlds Observatory (HWO) project office at Goddard Space Flight Center. In the hearing, Administrator Nelson confirmed that Goddard will be the lead of the HWO program, but referred to the HWO office at Goddard as the "technology maturation office." Could you define the scope and responsibilities of the "technology maturation office" and explain why the HWO office at Goddard is not referred to as the "project office" given that it is the program lead? Shouldn't the Goddard office be called the HWO Project Office?

Answer. The Habitable Worlds Observatory Technology Maturation (HWOTM) Project Office was established at NASA's Goddard Space Flight Center (GSFC) on August 1, 2024. The Project Office will be responsible for setting science requirements, informing mission architectures, technology development, and leading down-selections of technologies for a potential future Habitable Worlds mission.

The National Academies of Sciences, Engineering, and Medicine "Pathways to Discovery in Astronomy and Astrophysics for the 2020s" Decadal Survey ("Astro2020") recommends that NASA should proceed to mission design only after the successful completion of a technology maturation program (designated as GOMAP). A decision to proceed with formulation and subsequently, project execution, will depend on a variety of factors, including the successful completion of the independent technology review (ITR) recommended in Astro2020. Once an independent technology review is completed and NASA has determined that it is programmatically and budgetarily ready to initiate a new mission, the Project Office would become the Habitable Worlds Observatory Project Office.

Question 2. The intense solar activity earlier this month impacted long-range radio telecommunications and highlighted how necessary it is that we have a better understanding of heliophysics to accurately predict solar weather and its impact on Earth. However, heliophysics continues to be reduced in the budget request from prior year funding levels, and the Geospace Dynamics Constellation mission is zeroed out. Congress directed NASA in FY24 to provide a plan and funding profile to launch GDC by the end of the decade. Does NASA intend on providing this plan to us by October as directed?

Answer. NASA provided the requested GDC report to the Subcommittee by letter dated September 10, 2024.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

Question 1. The US Federal government and State of Alaska have jointly invested over $120M of capital improvements at the Pacific Spaceport Complex—Alaska (PSCA), formally known as the Kodiak Launch Complex, on Kodiak Island, Alaska. As only one of two US-based spaceports that can launch into high-inclination and polar orbits, PSCA is a national asset to provide critical resiliency for US access to space launching from US soil. This FAA-licensed commercial spaceport is a low-cost operation, capable of launching solid- and liquid-fueled rockets and has supported numerous government orbital, suborbital, and test missions since 1998. However, instead of utilizing a viable US-based spaceport for polar missions, NASA has been funding launches in New Zealand.

1a. What percentage of your Polar launches are accomplished outside the US?

Answer 1a. NASA's Launch Services Program (LSP) is responsible for the acquisition, management, and certification of reliable and cost-effective launch services from U.S. commercial providers providing access to space for civil missions including satellites, robotic planetary missions and human space exploration requirements. LSP achieves access to space through a competitive "mixed fleet" approach utilizing the breadth of U.S. industry's capabilities.

LSP has procured 40 launches that placed spacecraft into polars orbits since 1998. Of those launches, two were conducted outside the U.S. (New Zealand).

1b. What commitments can you provide me that NASA will prioritize launches from US- based spaceports for polar orbit missions, as we readily have that capability domestically?

Answer 1b. LSP does not procure services directly from launch sites. It is the responsibility of the U.S. commercial launch vehicle provider to meet all mission requirements within the scope of the contract including selection of the launch site, buildup and test of launch site infrastructure, and execution of mission operations at the launch site.

LSP's contracts include domestic source clauses establishing an expectation that commercial launch vehicle providers use FAA-licensed spaceports. Historically, more than 90% of LPS' polar orbit missions have been executed from US-based spaceports.

Question 2. According to a 2023 FAA report—the National Spaceport Policy—the number of launches will increase from 74 in 2022 to 186 in 2026, a nearly 300% increase. Meanwhile, according to the same report, 4 out of every 5 of these launches takes place either at Cape Canaveral or Vandenburg. This increase in combination with the reduction in the cost of access to space places a significant demand on Federal launch ranges.

2. Administrator Nelson, could you discuss the opportunity to expand NASA's use of state-owned or operated launch facilities in the future?

Answer. NASA is a member of the FAA led National Spaceport Interagency Working Group (NSIWG) along with the Departments of Defense, State, and Commerce. The goals of the NSIWG are as follows:

—Maintain US leadership role in commercial space transportation
—Develop a strategy for a resilient, interoperable network of spaceports to meet national objectives
—Collaborate on policies and standards for spaceport utilization
—Advocate for resources and programs to enhance and promote U.S. spaceport infrastructure

Through the NSIWG, NASA is working with partner agencies to build relationships with Federal spaceports, state/local spaceports, and private spaceports in the hopes of identifying economic approaches to increase launch cost-effectiveness while meeting NASA's mission needs.

NASA recognizes the potential the most heavily utilized ranges may be overburdened by commercial missions in the near future with the rapid increase of launch tempo.

The space industry has moved away from the business model of small-lift, solid-fueled expendable launch vehicles with deployable mission crews. Modern heavy-lift reusable launch vehicles with resident mission crews amortize costs to the benefit of their launch customers. Investments in these modern spaceports have lately been made by private corporations. NASA has been working closely with these private corporations to ensure NASA's mission needs are recognized.

QUESTIONS SUBMITTED TO DR. SETHURAMAN PANCHANATHAN, DIRECTOR

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

As part of the CHIPS and Science Act, Senator Capito and I collaborated to include language authorizing a NSF grant program to support K–12 hands-on learning opportunities in STEM education, like robotics competitions. I was motivated to do this because in New Hampshire we've seen success in inspiring students to pursue STEM careers through hands-on and experiential learning opportunities outside of the classroom, including students who traditionally have been underrepresented in STEM fields.

Question. How is NSF working to implement this program? When will the agency begin to make funding available for experiential STEM programs?

Answer. Through the NSF Advancing Informal STEM Learning (AISL) Program, NSF was able to fund new awards and provide supplemental funding to existing awards through the additional $16.0 million appropriated to the AISL program through the FY 2023 Disaster Supplemental for CHIPS & Science Act implementation. These awards support a broad range of experiential STEM programs and activities and aim to cultivate awareness and interest in STEM careers, particularly in the areas of microelectronics, semiconductors, and cybersecurity industries, through hands-on experiences, parental involvement and family learning, mentors and role models, and training for volunteers and professionals in informal STEM learning contexts. In addition, many of the funded experiential STEM programs supported through the CHIP and Science Act engage K–12 aged learners in out-of-school learning experiences such as STEM competitions, camps during school breaks, digital and analog games, and in-person and virtual immersion to chip fabricating facilities.

The AISL Program is committed to funding research and practice, with continued focus on investigating a range of informal STEM learning experiences and environments that make lifelong learning a reality. The AISL program also has an explicit broadening participation program goal, with the majority of each award's budget allocated to broadening participation activities often to K–12 students historically underrepresented in STEM fields and could involve research on the topic.

In addition, the ExLENT program will support inclusive experiential learning opportunities designed to provide cohorts of diverse learners with the crucial skills needed to succeed in emerging technology fields and prepare them to enter the workforce ready to solve our Nation's most pressing scientific and societal challenges. The Explorations track aims to provide individuals with limited or no specialized STEM education the inspiration and opportunity to explore the potential of a career path in emerging technology fields. Proposed projects in this track should provide participants with experiential learning opportunities that build interest, motivation, and knowledge in emerging technology fields and identify pathways to careers in these areas. Proposals submitted to this track should focus on a wide range of participants from diverse backgrounds and may include those enrolled in traditional education pathways (e.g., secondary school, college, and/or military). Alternatively, a proposal might focus on participants who are not enrolled in a traditional educational pathway (i.e., self-learners, members of incubators) who are inclined to explore hands-on learning and development opportunities in emerging technology fields.

Question. You and I agree that, as a Nation, we need to do more to develop our STEM talent. And that doing so is critical to the success of the U.S. innovation economy and to future international competitiveness. Is that correct?

Answer. The NSF 2022–2026 Strategic Plan states that science and engineering are key to the Nation's economic progress, and people are the core of America's scientific progress. To accelerate the advancement of discovery and learning, prepare for a world in which work is increasingly reliant upon scientific and technological skills and ensure that all citizens share in the benefits that flow from research, we must promote inclusion in the research community and STEM workforce, access to STEM learning and training and widespread STEM literacy.

Question. How do you see afterschool STEM programs contributing to the cultivation of a diverse and skilled STEM workforce?

Answer. As reported by the National Research Council in 2015, after school programs are often viewed as valuable opportunities to (1) engage young people intellectually, academically, socially, and emotionally; (2) respond to young people's interests, experiences, and cultural practices; and (3) connect STEM learning across

out-of-school, school, home, and other settings.[1] This report also acknowledged that research and evaluation findings were "not yet robust enough to determine which programs work best for whom and under what circumstances". In the decade since this publication, the AISL program has funded nearly 100 research and development projects that have focused on STEM learning in afterschool contexts. These projects contribute to the cultivation of a diverse and skilled STEM workforce by exploring questions of what works, why, for whom, and how learning STEM outside and beyond school is effective and implementing evidence-based programs to support STEM exposure, interest, and often the STEM workforce. One emerging explanation for why out-of-school time programs are effective is the unique ways in which these programs support the social and emotional development of youth, especially for youth from historically underrepresented groups in STEM. A recent systematic review mapped research being done at the intersection of social-emotional learning (SEL) and STEM learning, finding five common areas where youth skills were being assessed: Agency/Voice, Belonging/Collaboration, Creativity/Resilience, Engagement/Self-regulation, and Reflection/Understanding.[2] In particular, it seemed that young people's perceptions of belonging is later associated with positive perceptions of STEM career preparation.[3] The AISL program has also funded investigations that examined how to design effective out-of-school learning experiences for a wide range of diverse learners and afterschool settings for whom there has been and continues to be underrepresentation in STEM fields, e.g., girls and women, learners in rural and urban areas, learners with disabilities, and learners who identify as Black, Latinx, and/or Indigenous.

Question. Which other programs at the Foundation, like the Advancing Informal STEM Learning program, support afterschool STEM programs and how?

Answer. There are several programs in the Foundation that support afterschool STEM programs. Of note, the Innovative Technology Experiences for Students and Teachers (ITEST) program, funded through H–1B visa receipts, supports afterschool STEM learning. The ITEST program is an applied research and development program with goals to advance the equitable and inclusive integration of technology in the learning and teaching of science, technology, engineering, or mathematics (STEM) from pre-kindergarten through high school. It emphasizes workforce development, industry partnerships, and innovative use of technologies for K–12 students and teachers.

The Research on Innovative Technologies for Enhanced Learning (RITEL) program supports early-stage research in emerging technologies for teaching and learning that respond to pressing needs in authentic (real-world) educational formal and informal (e.g., afterschool STEM) environments. The ITEST and RITEL programs follow the NSF gold standard, merit review process to review, identify, and fund new awards.

Question. I am hearing from afterschool STEM education programs about the challenges they face in ensuring program providers have the technical skills and expertise needed to provide high-quality STEM education. How is NSF working to enhance professional development opportunities for STEM afterschool program providers, to ensure they have the necessary skills and resources to effectively engage and inspire students in STEM learning outside of traditional classroom settings?

Answer. As a way of addressing the how challenge of out-of-school learning, the NSF has funded a number of research awards that actively investigate how to structure the professional development of STEM afterschool program providers. These projects have explored a wide array of topics, from models of how professional development can be conducted in a variety of settings like remote rural locations, to methods for increasing the relevance of out-of-school education by training practitioners to co-design educational experiences with learners, to developing professional networks for continuing professional development.

---

[1] National Academies of Sciences, Engineering, and Medicine. 2015. Identifying and Supporting Productive STEM Programs in Out-of-School Settings. Washington, DC: The National Academies Press. https://doi.org/10.17226/21740. Funded via Award 1339083, *Successful Out-of-School STEM Learning: A Consensus Study*.

[2] Allen, PJ & Noam, GG (2024). *A systematic review of STEM and social-emotional development in out of school time programs: Executive Summary.* Institute for the Study of Resilience in Youth. Funded via Award 2115868.

[3] Zhao, Mengya et al. "Promoting Diverse Youth's Career Development through Informal Science Learning: The Role of Inclusivity and Belonging" *Journal of Youth and Adolescence,* v.52, 2023 https://doi.org/10.1007/s10964-022-01694-2. Funded via Award 1831593.

QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

Question. Preparing the next generation is key to maintaining the U.S.'s role as a leader in cutting-edge technology and innovations. That includes ensuring that HBCUs have equitable access to Federal R&D funding and opportunities to achieve the highest research institution status. I authored Sec. 10524(d) of the CHIPS & Science Act for NSF to support the R&D capacity at R2 HBCUs to help advance them to R1 status. There are currently no HBCUs that are R1. Could you provide an update on the status of this provision and these efforts?

Answer. To grow the research capacity of HBCU's, NSF is using a cross-agency approach to expand the funding opportunities as well as the outreach and engagement activities to partner with HBCUs.

The activities supported by NSF that may lead to an HBCU obtaining R1 status include:

—The HBCU-Excellence in Research (HBCU-EiR) program focuses on improving the research capacity and competitiveness of HBCUs by supporting new research opportunities at these institutions. In FY 2024, the HBCU-EiR program released an innovative Ideas Lab competition through a new funding opportunity, Advancing Research Capacity at HBCUs through Exploration and Innovation, (ARC–HBCU).[1] ARC–HBCU supports collaboration among HBCU faculty, research administrators, and academic leadership in exploring innovative approaches for addressing the HBCUs' research capacity needs. Project outcomes are intended to lead to new models and practices that will further support the R&D capacity at HBCUs, including advancing R2 HBCUs to R1 status.

—The HBCU-Undergraduate Program (HBCU–UP) published the following DCL: Advancing STEM Education, Training and Workforce Development at HBCUs.[2] Prairie View A & M University[3] and Florida A & M University[4] are two R2 HBCUs that received equipment awards.

—NSF"s Eddie Bernice Johnson INCLUDES: Projects focused on Microelectronics—At least two projects to R2 HBCUs were supported in partnership with HBCU–UP.[5,6]

—Dear Colleague Letters (DCL) to inform HBCUs about funding opportunities were prepared with the Directorates of Engineering; Social, Behavioral and Economic Sciences; Mathematical and Physical Sciences; and Computer and Information Science and Engineering were published. Proposals were received in response to those funding opportunities. For example, CHIPS and Science Act funding was used to support the Morgan State University Center for Advanced Magnets and Semiconductors. Other R2 HBCUs have been invited to submit full proposals that are due in December 2024.

Outreach activities to R2 HBCUs will continue in FY 2025.

Question. To create good-paying jobs and strengthen our ability to compete in a rapidly changing global economy, the United States must stay at the forefront of innovation and technology. We must work urgently to not only identify and address areas where we're falling behind but also establish a blueprint for the future. That's why I authored the bipartisan Sec. 10387(h) of the CHIPS & Science Act, with Senator Blunt, directing NSF to enter into an agreement with the National Academies to assess critical and emerging areas of science and technology, Federal investments in these areas, and the relative balance in leadership globally in these areas. The FY 2024 Consolidated Appropriations Act (Public Law 118–42) included report language encouraging NSF to collaborate with NAS to initiate this report and to provide an estimate of the resources necessary to carry out and complete the report. Could you provide an update on the implementation of this report language and NSF's collaboration with NAS to proceed with Sec. 10387(h)?

Answer. Thank you for your support of the U.S. National Science Foundation (NSF) and the newly established Directorate for Technology, Innovation and Partnerships (TIP).

As you well know, for nearly 75 years, NSF has supported cutting-edge fundamental research across all scientific and engineering (S&E) disciplines. These dis-

---

[1] new.nsf.gov/funding/opportunities/advancing-research-capacity-hbcus-through/nsf23-626/solicitation.
[2] new.nsf.gov/funding/opportunities/advancing-stem-education-training-workforce.
[3] www.nsf.gov/awardsearch/showAward?AWD_ID=2428761.
[4] www.nsf.gov/awardsearch/showAward?AWD_ID=2429243.
[5] www.nsf.gov/awardsearch/showAward?AWD_ID=2435570.
[6] www.nsf.gov/awardsearch/showAward?AWD_ID=2436203.

coveries and innovations have powered numerous technologies that have advanced our national and economic security and established the United States as the world leader in science and technology (S&T).

Other countries have recognized the importance of investing in S&T and are now challenging U.S. preeminence in several critical technologies such as microelectronics and semiconductors, advanced communication, artificial intelligence, and high-performance computing. Ensuring our nation's prosperity now and in the future demands robust investment in S&E research, education, and infrastructure, with a renewed focus on translating scientific discoveries as well as innovations into new or improved products and processes in across America. Such investments will transform existing industries and establish entirely new ones, creating new jobs and opportunities in every city and town in the country.

In recognition of both the challenge and opportunity facing the nation, Congress and the Administration worked together to pass the landmark CHIPS and Science Act of 2022. The Act formally established TIP with the express purpose of advancing innovation across the United States at speed and scale. Specifically, the Act charged TIP to:

(1) support use-inspired and translational research and accelerate the development and use of federally funded research;
(2) strengthen United States competitiveness by accelerating the development of key technologies; and
(3) grow the domestic workforce in key technology focus areas and expand the participation of United States students and researchers in areas of societal, national, and geostrategic importance, at all levels of education.

Given the importance and urgency of securing U.S. S&E leadership for the decades ahead, the Act charges TIP with advancing 10 key technology focus areas as well as addressing an initial list of societal, national, and geostrategic challenges. Given the realities of appropriations as well as the continuing evolution of the S&E landscape globally, TIP must chart a forward-thinking, strategic, and nimble path for its activities. Furthermore, the success of TIP is predicated not only on its ability to support the critical technologies of today, but also in marshaling all of NSF, our Federal R&D partners, state and local governments, tribal nations, higher education, and the private sector to work collaboratively to make the investments that will catalyze the yet-to-be-named industries of the future.

To this end, shortly after the CHIPS and Science Act was signed into law, TIP engaged in informal conversations with the National Academies of Science, Engineering, and Medicine (NASEM) on the review of the key technology focus areas and the societal, national, and geostrategic challenges called for in section 10387(h). TIP and NASEM agreed that the TIP Roadmap mandated by section 10399(b) of the Act would provide important background and context for NASEM's review.

In August 2024, TIP published the "TIP Roadmap: An Investment Strategy for the U.S. National Science Foundation's Directorate for Technology, Innovation and Partnerships".[7] The roadmap describes the directorate's strategic vision that will guide its initial investment decisions; how it will increase funding for research and education for populations and geographic areas underrepresented in STEM; and how the directorate will protect federally funded S&T.

Currently, TIP and NASEM are in the process of scheduling a briefing to discuss the roadmap and begin more formal conversations around the scope of the review called for in section 10387(h). TIP anticipates this briefing will take place in fall 2024. The anticipated cost of the NASEM review is contingent on the project's scope, but historically NASEM studies undertaken on behalf of NSF have ranged from just under $1 million to roughly $2 million. NSF will have a clearer sense of resources required once TIP and NASEM begin formal development of a "statement of task" for the review. NSF is committed to entering into the formal agreement with NASEM to undertake this review no later than the deadline set forth in the Act (August 9, 2027).

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

Question. The Very Large Array in New Mexico is the most prolific radio telescope in the world, and a big source of pride in my state. So far, Congress and NSF have committed nearly $100 million for the Next Generation Very Large Array. But we need $120 million more to complete the design and prototype. You've only asked for

[7] nsf-gov-resources.nsf.gov/files/TIPRoadmap__WEB.pdf.

$7 million of that in fiscal year 2025. Will you ask for the remaining $113 million in fiscal year 2026?

Answer. To date, the Next Generation Very Large Array (ngVLA) has been approved for admission into the first step in the complete NSF design process, the conceptual design phase, and funds have been awarded to enable activity in this step. Contingent on a positive review of the progress made during this phase, the team will be invited to submit a proposal for the second step, the preliminary design phase. Funding needs and timing of allocations for that phase will be decided through a review of the proposal, potentially over the course of multiple fiscal years. It is anticipated that the full design process will also require multiple years of funding. The final step in the process, the final design phase, must be completed prior to a determination as to whether or not to continue with construction.[1]

QUESTIONS SUBMITTED BY SENATOR JOHN KENNEDY

Dr. Panch, I know that I do not need to lecture you on the importance of the NSF's EPSCoR program to underserved states like Louisiana. However, I can't help but be concerned over the way in which the program appears to be headed. Louisiana has worked hard to create an NSF EPSCoR program that works for our state, and my people have worked tirelessly to ensure that our research infrastructure remains competitive. While the NSF's current Track 1 program has greatly benefited my state over the past few years, it was recently brought to my attention that the NSF plans to replace it.

Question. What is the NSF's intention with these new programs and why weren't they tested prior to discontinuing the successful Track 1 program?

Answer. While the Research Infrastructure Improvement (RII) Track-1 funding opportunity has been in existence since NSF first established the program in 1978, the nation's research ecosystem has evolved drastically since 1978. NSF transitioned the EPSCoR RII Track-1 program to support new programs that would enhance NSF EPSCoR investments in creating a sustainable ecosystem for research, translation of research outcomes, economic development, and workforce creation. The new EPSCoR RII programs (i.e., EPSCoR Collaborations for Optimizing Research Ecosystems (E–CORE RII) and EPSCoR Research Incubators for STEM Excellence (E–RISE RII)) align with NSF's goal of growing new research networks and partnerships in EPSCoR jurisdictions while also leveraging existing ones to drive demonstrable and sustainable impact on the jurisdiction-wide research ecosystem.

Given the traditional one-size-fits-all model for RII Track-1, there has been limited flexibility for jurisdictions to expand scientifical topical expertise or jurisdiction-wide research capacity building at a speed and scale that fits the needs of today's research ecosystem. The new E–CORE RII and E–RISE RII programs will allow for (i) scaling up the breadth of networks of research teams across jurisdictions in multiple research topical areas; (ii) maintaining research cores while developing a critical mass of researchers across institution types within the jurisdiction (e.g., research institutions, emerging research institutions, two-year college, minority-serving institutions, industry, non-profits) and?across STEM disciplinary areas; (iii) supporting the development, implementation, and evaluation of innovative systemic change strategies that promote greater research and academic competitiveness for the jurisdiction; and (iv) supporting sustainability of research infrastructure specific to the needs of the jurisdiction and that undergirds jurisdiction-wide research activities and workforce development.

Both E–CORE RII and E–RISE RII are designed to prioritize scaling research capacity growth in EPSCoR jurisdictions by funding more connected research teams, strengthening existing academic resources and infrastructure, promoting more partnerships across various institution types, and expanding human capital (e.g., workforce development, economic development, faculty hires). With these increased investments, EPSCoR jurisdictions are positioned to significantly increase their research competitiveness and research outputs. Additionally, E–CORE and E–RISE RII programs will enable jurisdictions to build a broader framework for engaging partnerships across the entire research ecosystem in a jurisdiction, including with state offices, business chambers of commerce, and industry partners.

This directly addresses the provisions in the CHIPS and Science Act for NSF to prioritize enabling sustainable growth in the competitiveness of jurisdictions.

---

[1] public.nrao.edu/news/21-mil-nsf-ngvla-design-award/.

To further support EPSCoR jurisdictions' transition from RII Track-1 to E–CORE RII and E–RISE RII, NSF delayed archiving the RII Track-1 program until 1 year after announcement of the E–CORE RII and E–RISE RII programs. The intentional overlap of funding opportunities helped to ease the transition from RII Track-1 to these new programs. The E–CORE RII and E–RISE RII programs were launched in May 2023 and RII Track-1 remained an active program through the FY 2024 cycle. However, in FY 2024, only 30 percent of eligible jurisdictions opted to submit to the RII Track-1 competition, with the remaining 70 percent having submitted proposals to E–CORE RII and/or E–RISE RII.

Long-term, given the NSF EPSCoR program budget, the program is unable to award both new RII Track-1 awards along with new E–CORE RII and E–RISE RII awards. Doing so would limit NSF flexibility in funding the most worthwhile awards across all other EPSCoR RII programs, along with other program investment strategies (e.g., co-funding provided for awards through other NSF Directorates and Programs, which makes possible a broad portfolio of investment in S&E projects throughout EPSCoR jurisdictions). New awards across all three programs would also be a duplication of resources, potentially resulting in some jurisdictions receiving the lion's share of the limited funds available for new RII awards.

Question. What kind of individual stakeholder outreach, besides internal studies or reports, did the NSF conduct prior to developing a replacement for EPSCoR's current Track 1 program? Was there an open comment period that allowed for all stakeholders to give feedback or did your agency only solicit input from specific jurisdictions and individuals?

Answer. In transitioning the EPSCoR RII Track-1 program to E–CORE RII and E–RISE RII, NSF maintained the following critical guiding principles: (i) keep alignment with existing NSF EPSCoR goals and mission; (ii) position jurisdictions for success in EPSCoR funding opportunities and in broader NSF funding opportunities; (iii) connect all EPSCoR RII investments in a jurisdiction; (iv) expand support of all EPSCoR-eligible institutions and organizations, including new awardees and eligible institutions underrepresented in EPSCoR funding portfolio; and (v) remove a one-size-fits-all prescriptive model for building research capacity. E–CORE RII and E–RISE RII are intended to connect the multiple RII investments in a jurisdiction through expanding the role of jurisdictions' core coordination functioning units.

In recent years, a number of external reports, assessments, and visioning activities have been conducted to evaluate EPSCoR's successes, highlight its significant challenges, and inform its future directions. From these inputs, while RII Track-1 outputs and impacts have shown some success, these successes have not been broadly scaled for jurisdiction-wide impact in all jurisdictions. The E–CORE RII and E–RISE RII programs were developed in response to common threads (e.g., build capacity across institutions, enable flexible and sustainable program strategies, foster ecosystem approach to EPSCoR investment strategies) across these inputs, including the CHIPS and Science Act, *Envisioning the Future of NSF EPSCoR* report,[1] GAO report on EPSCoR,[2] and a 2M Study of the NSF EPSCoR program[3]. Moreover, the *2M Study of NSF EPSCoR*, which elucidated a conceptual framework to explore, define, and measure academic research excellence and competitiveness, illustrates the complexity and variability of the STEM research and education ecosystems within and across jurisdictions. The E–CORE RII and E–RISE RII programs allow jurisdictions to develop proposals that will more effectively address their variabilities, customizing solutions to address STEM needs in their respective ecosystems.

The *2M Study of NSF EPSCoR* was widely distributed across the stakeholder community, and EPSCoR held sessions at its annual PI meetings in 2020, 2021, 2022, and 2023 to address topics from the report and solicit feedback from the PI community. Additionally, at the 2022 EPSCoR National Conference in Maine and 2022 EPSCoR Education, Outreach, and Diversity Conference, EPSCoR held a session on critical considerations and findings from 2M Report and the *Envisioning the Future of NSF EPSCoR* report.

The *Envisioning the Future of NSF EPSCoR* report, specifically, was generated by a group of EPSCoR stakeholders through a subcommittee of the congressionally mandated Committee on Equal Opportunities in Science and Engineering (CEOSE) advisory committee. This subcommittee hosted six stakeholder listening sessions, which involved individuals from the EPSCoR Research Infrastructure Improvement

---

[1] new.nsf.gov/funding/initiatives/epscor/future-nsf-epscor.

[2] www.gao.gov/assets/gao-22-105043.pdf.

[3] nsf-gov-resources.nsf.gov/2022-06/EPSCoR%20Base%20Period%20Final%20Report%20-%20%28508%20Compliant%29.pdf.

(RII) program's Principal Investigator (PI) community, other NSF awardees including those from Primarily Undergraduate Institutions, Minority Serving Institutions, and Tribal Colleges and Universities, representatives from industry, state government, and community organizations, experts in research capacity and competitiveness, and university administrators. Feedback from these listening sessions was incorporated into the report's eight recommendations and nineteen suggestions. NSF's response to these recommendations and nearly 80 percent of the suggestions is directly reflected in the E–CORE RII and E–RISE RII programs.

Before public release of the E–CORE RII and E–RISE RII programs, NSF EPSCoR extensively engaged with its stakeholder community on digesting recommendations from recent reports and legislation in preparation for these new activities. NSF is committed to evolving based on research, training, and education needs and priorities. Our innovation and propagation of change will always engage our stakeholder community. However, NSF does not advertise its new programs before publication of the program solicitation or other official announcements.

For decades, the NSF has chartered two U.S. ice-capable research and supply vessels to support the U.S. Antarctic Program. The Office of Polar Programs, which I know that you are familiar with, recently announced its intention not to renew the contract for one of those vessels, the *Laurence M. Gould.* It is my understanding that the NSF is planning construction of a new Antarctic research vessel, but that vessel won't be delivered for several years, assuming that Congress provides the billion-plus dollars it will take to build the new ship.

Question. Dr. Panch, why has the NSF chosen to terminate the *Gould's* charter well before a new vessel will be available to take its place? [The *Gould* was built in Louisiana, so I know it's a reliable vessel]. How can you continue to meet the needs of our Antarctic mission while choosing to cut a vessel that is critical to the program? Do you intend to charter foreign-built vessels to replace the *Gould*? What's the plan, Mr. Director?

Answer. The *Laurence M. Gould* (LMG) was a vessel with limited ice capabilities that operated between Punta Arenas, Chile, and Palmer Station in the Antarctic Peninsula that provided logistics support and served a critical science role. While the LMG supported the United States Antarctic Program (USAP) for the past 27 years, with the construction of a new, deeper-water pier at Palmer Station, more efficient and economical options are now available in the region to better support the logistical needs of the USAP. The science support provided by the LMG will be supported by the remaining USAP flagship icebreaking research vessel *Nathaniel B. Palmer*, a substantially more capable science and icebreaking vessel than the LMG, as well as other vessels from the U.S. Academic Research Fleet on an as-needed basis.

SUBCOMMITTEE RECESS

Now, the subcommittee stands in recess until June 4, when we will hold a hearing on the budget request of the Federal Bureau of Investigation. Thank you all.

[Whereupon, at 11:07 a.m., Thursday, May 23, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

TUESDAY, JUNE 4, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2:39 p.m., in room SD–192, Dirksen Senate Office Building, Hon. Jeanne Shaheen (Chair), presiding.

Present: Senators Shaheen, Reed, Coons, Manchin, Van Hollen, Merkley, Peters, Heinrich, Moran, Collins, Murkowski, Capito, Kennedy, Hagerty, and Fischer.

FEDERAL BUREAU OF INVESTIGATION

OPENING STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. The Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies will come to order.

Good afternoon, everyone, welcome to today's hearing to review the President's fiscal year 2025 funding request for the Federal Bureau of Investigation.

Our witness today is FBI Director, Christopher Wray. Director Wray, welcome. It is nice to have you back before this Committee.

Attorney General Garland was before this subcommittee in April and we discussed the fundamentally different position we are in now compared to what we were in last year. Our fiscal year 2023 bill made notable increases to the Justice Department's law enforcement components, but fiscal year 2024 was a very different outcome for the Subcommittee and for the Department.

The significant cuts in 2024 came as a result of the Fiscal Responsibility Act's discretionary spending limits. So our bill faced a 3 percent cut compared to fiscal year 2023. That is roughly 2.5 billion dollars less than we had in the prior year.

In each of our hearings this year, I have tried to raise concerns about the ongoing constraints of the Fiscal Responsibility Act, and the continued cuts to discretionary spending. These cuts have real consequences. And I am hoping we will hear more from you this afternoon about what those consequences mean for the FBI, and how they impact the safety and security of the American people.

The Bureau has already provided a good example of some of these impacts. Despite what appears to be a relatively modest cut of $32 million, or 0.3 percent, in fiscal year 2024 to the FBI salaries and expenses, the amount needed for the FBI to maintain just

its current services is actually $484 million more than what we funded.

The FBI's fiscal year 2025 budget request is $11.3 billion, $661 million above last year. It includes program enhancements for cyber investigative capabilities, mitigating threats from foreign intelligence services, and to address the increased volume of firearms background checks. The request would also allow the FBI to fund critical national security and law enforcement positions that were reduced as a result of the fiscal year 2024 appropriations.

We also hope to hear from you about the FBI's ongoing work to address escalating threats that face our country, including how the FBI is working with its Federal, State, and local law enforcement partners to fight illicit drugs coming into the country, and how the FBI is working to protect children, particularly from online threats and exploitation.

Now, before I close my opening remarks, I would like to thank the employees of the FBI for their dedication and service to our country, especially when we are asking them to do more with less to keep us safe.

Director Wray, I look forward to your testimony and our discussion today.

And now I will recognize the Subcommittee's Ranking Member, Senator Moran, for his opening remarks.

OPENING STATEMENT OF SENATOR JERRY MORAN

Senator MORAN. Senator Shaheen, thank you for convening our hearing.

Director Wray, welcome back to this Commerce, Justice, and Science Subcommittee. I appreciated your time, as I indicated just a moment ago, in your remarks at the University of Kansas this past April at the Annual FBI and KU Cybersecurity Conference. The quality of the speakers and the panel suggests to me that this will become a premier annual cyber event, and I hope you will continue to join us; and we will try to do it during basketball season if you prefer.

The ability of our Nation, in both government and private sector, to deter and neutralize cyber attacks from having their intended effect is essential to our national security and to our economy. These new challenges and dangers require a capable, qualified, and well-trained workforce to combat the threats. In addition to that, I want to discuss the national security crisis at the southern border. President Biden signed an executive order to limit claims of asylum for those entering our country.

While action by the President is needed, I am doubtful that this executive order will make the necessary changes to ensure operational control of our border, and that we know who, why, and where people are crossing into our country. Last month, it was reported that a suspected member of ISIS had been freely living in the United States after illegally crossing the southern border. Nonetheless, it would take more than 2 years before that person was arrested on April the 17th.

In another case, an individual on the terrorist watch list was similarly released by the Border Patrol after crossing the southern border. I recognize that these cases most directly implicate failures

at DHS, but the FBI also plays a major role in national security screening, and facilitating the sharing of information across our government.

Our world and our country have become more dangerous, our adversaries are coordinating with the intention of doing harm to the U.S., our allies, and our partners. The conflicts overseas present clear threats here at home. As Russia wages its illegal and unjust invasion of Ukraine, it is widely reported that Moscow is engaged in asymmetric activities such as sabotage in Western Europe.

I would like you to address if we are seeing signs of that in our own country. The ongoing war in Gaza has the potential to inspire terrorists around the globe, we cannot be complacent in believing America will be immune, and Jewish Americans should not have to live in fear.

And the Chinese regime continues its efforts to steal intellectual property from threaten critical infrastructure, and on this anniversary of Tiananmen Square, has established police stations in the U.S. to harass Chinese dissidents who find freedom in our country.

You recently said, Director, the PRC has made it clear that it considers every sector that makes our society run, fair game. It is clear the conflicts abroad present real challenges at home. Compounding those challenges are distinct vulnerabilities on our borders, our means of communication, and our technology systems.

Director, you have a wide array of challenges in front of you and the FBI. It seems almost insurmountable, the things that we face today. I look forward to hearing from you how our budget can help better support the work the FBI does to mitigate these growing threats, address the crisis at our southern border, and ultimately keep Americans safe.

Thank you, and the people who work at the FBI, for your efforts in that regard. And I thank you also for being here today.

Senator SHAHEEN. Thank you very much, Senator Moran.

Vice Chair Collins, would you like to make an opening statement?

OPENING STATEMENT OF SENATOR SUSAN M. COLLINS

Senator COLLINS. Thank you very much, Madam Chair.

First, welcome Director Wray. Let me start by just saying that I appreciate very much your efforts to warn policymakers and the American public about the threat of a terrorist attack. We tend to be very focused on the great power competition with China, and Russia, and Iran, and North Korea, being major threats to us, but in fact, in my judgment, the most imminent threat that we face is that of a terrorist attack. And I share your assessment that everywhere we look, "the lights are blinking red", to quote you previously.

The withdrawal of U.S. forces from Afghanistan, the rise of the Taliban once again, a reconstituted ISIS–K, Iran's deployment of proxy forces in the Middle East, the chaos at our southern borders, and indeed our northern border as well, has allowed terrorists into our country, and surging anti-Americanism have all combined to dramatically increase the threat of terrorist attacks in our country and aimed at our allies abroad. That is an issue that I will want to address with you today.

The second issue, which we have talked about before, is the absolutely stunning increase, the shocking increase, in illegal marijuana-growing operations in rural homes in Maine that are often run by Chinese nationals. I brought this up to you at the Worldwide Threats Briefing a month ago, and I have raised the issue with the Attorney General just this past Thursday. The Somerset County Sheriff's Office shut down a growing operation in a house that contained 1,500 recently harvested marijuana plants, more than 30 pounds of processed marijuana, and the illicit drug-related materials, all of which were seized. This particular growing operation was located adjacent to a daycare center.

The Attorney General has committed to having the Department of Justice more actively involved, along with other Federal agencies, in helping State, county, and local law enforcement in Maine. I would note Maine is not alone in experiencing this enormous increase. The estimates are that there are between 150 and 200 of these sites yet to be dealt with in the State of Maine. But we are not alone. There are about 20 States.

And I will be asking you this morning your assessment, what the FBI is doing, specifically, and whether you have information about the involvement of transnational Chinese criminal organizations. So those are two of my greatest concerns, and I look forward to our dialogue today.

Thank you, and the members of the FBI for all you do.

Senator SHAHEEN. Thank you, Senator Collins.

Director Wray, the floor is yours.

STATEMENT OF HON. CHRISTOPHER WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Director WRAY. Good afternoon, Chair Shaheen, Ranking Member Moran, and Members of the Subcommittee. I am proud to be here today representing the 38,000 men and women who make up the FBI. Every day, our people are working relentlessly to outpace our adversaries and stay ahead of complex and evolving threats. So I would first like to thank you for your support over the years of our efforts to achieve our mission of protecting the American people and upholding the Constitution.

At the same time, I also realize the reality of the environment we are in today, where so many agencies are dealing with tightening budgets. And this year, the FBI has been one of those agencies, with our fiscal year 2024 budget having now come in almost $500 million below what the FBI needs just to sustain our 2023 efforts. And while I very much appreciate this subcommittee's efforts to blunt any cuts, candidly, this could not come at a worse time.

When I sat here last year, I walked through how we were already in a heightened threat environment, and since then, we have seen the threat from foreign terrorists rise to a whole other level after October 7.

We continue to see the cartels push fentanyl and other dangerous drugs into every corner of the country, claiming countless American lives. We have seen a spate of ransomware attacks and other cyber attacks impacting parts of our critical infrastructure and businesses, both large and small.

Violent crime, which reached alarming levels coming out of the pandemic, remains far too high and is impacting far too many communities.

China continues its relentless efforts to steal our intellectual property and most valuable information. And that is just scratching the surface.

When I look back over my career in law enforcement, I would be hard-pressed to think of a time when so many different threats to our public safety and national security were so elevated all at the same time. But that is the case as I sit here today. And while we have always found ways at the FBI to innovate and make the most with what we have, this is by no means a time to let up or dial back. This is a time when we need your support the most. And I look forward to working with this subcommittee to get things back on track, because right now we need investments in our people and the resources required to keep Americans safe.

Now, I will stack the FBI's workforce up against anyone, anywhere, anytime. They are innovative, they are efficient, they are relentless, they are patriots. And we have been fortunate at the FBI in recent years that our recruiting has gone through the roof. Americans are applying in droves to devote their lives to a career with us, protecting others.

But we need more positions to be able to bring all the good people we can to the fight, certainly not fewer. And as great as our people are, we also need to equip them with the necessary tools required to tackle today's threats. Now is not the time for less. To fulfill our mission, the men and women of the FBI need more.

Terrorism.—Just in the time that I have been FBI Director, we have disrupted multiple terrorist attacks in cities and communities around the country. We need funding to continue protecting America from terrorism. I touched on this earlier, but there was already a heightened risk of violence in the United States before October 7, and since then we have seen a rogues' gallery of foreign terrorist organizations call for attacks against Americans and our allies.

And given those calls for action, our most immediate concern has been that individuals or small groups will draw twisted inspiration from the events in the Middle East to carry out attacks here at home. But now, on top of that, increasingly concerning is the potential for a coordinated attack here in the homeland, not unlike the ISIS–K attack we saw at the Russia Concert Hall back in March.

China.—We are up to something like 2,000 active cases across all 56 FBI field offices, focused on the PRC's efforts to try to steal our information and technology, and we need funding to continue countering the threat posed by the PRC, a Government sparing no expense in its quest to hack, lie, cheat, and steal its way to the top as a global superpower, and to undermine our democracy and our economic success.

Cyber.—We are investigating more than a hundred different ransomware variants, each of them impacting scores of victims, and that is just ransomware. We need funding to continue disrupting all kinds of cyber threats, certainly those from China, but also from a crowded field of sophisticated criminals and hostile nation-states like Russia, Iran, and North Korea.

The fentanyl epidemic.—We have got between 300 and 400 investigations just into cartel leadership, and time and time again, our folks are seizing enough fentanyl to wipe out entire States. We need funding to continue thwarting the range of threats emanating from the border; fentanyl, gangs like MS–13, human trafficking.

Violent crime.—Last year, our Safe Streets and Violent Crime Task Forces arrested something like 50 bad guys per day, every day, all year long. We need funding to continue fighting the violent crime that remains at levels in this country that are still too high.

Child exploitation.—Our dedicated agents, analysts, and professional staff working, violent crimes against children are arresting hundreds of predators, and rescuing hundreds of victims each and every year. We need funding to continue protecting our most vulnerable victims from their tormentors.

Now, in all those areas that I just mentioned, we are working closely with our partners at all levels of government to achieve our shared goals of keeping our communities safe, and protecting Americans from harm.

Every day, every day, FBI agents, analysts, and professional staff are working shoulder-to-shoulder with thousands of task force officers from hundreds of different police departments and sheriff's offices all over the country on our FBI-led task forces. On top of that, we provide technology and expertise, valuable investigative leads, like DNA matches, and cutting-edge training to law enforcement nationwide to help them keep our communities safe.

So as I know this subcommittee recognizes, cuts to us are cuts to our partners, State and local law enforcement agencies and officers who are on the ground putting themselves in the line of fire, often, quite literally. That is just one way that cuts to us are going to have real impacts on the American people.

So yes, despite best efforts, we took a hit in the 2024 budget, but 2025 is a chance to get back on track and provide the FBI's men and women the tools and resources the American people need us to have to keep them safe.

So thank you again for having me here today, and I look forward to our discussion.

[The statement follows:]

PREPARED STATEMENT OF CHRISTOPHER A. WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Good afternoon, Chair Shaheen, Ranking Member Moran, and Members of the Subcommittee. Thank you for inviting me to appear before you today. Each day, Federal Bureau of Investigation ("FBI") personnel are making a real difference in communities across the nation, tackling some of the most complex national security and criminal threats with perseverance, professionalism, and integrity—sometimes at the greatest of costs. I am extremely proud of their service and commitment. On their behalf, I ask for your support and pledge to be the best possible stewards of the resources you provide. I would like to begin by providing a brief overview of the FBI's FY 2025 budget request, and then follow with a short discussion of key threats and challenges that we face, both as a nation and as an organization.

FY 2025 BUDGET OVERVIEW

The FY 2025 budget request proposes a total of $11.3 billion in direct budget authority to carry out the FBI's national security, intelligence, criminal law enforcement, and criminal justice services missions. The gross request includes a total of $11.3 billion for Salaries and Expenses, which will support 37,083 positions (13,623 Special Agents, 3,337 Intelligence Analysts, and 20,123 professional staff), and $61.9

million for Construction. The request includes program enhancements under Salaries and Expenses, including $7.0 million to enhance cyber investigative capabilities, $17.8 million to mitigate threats from foreign intelligence services, and $8.4 million to address the increased volume of firearms background checks. The request also provides funding to allow the FBI to fund critical national security and law enforcement positions reduced as a result of reductions in the FY 2024 enacted appropriation. Congress has long supported these positions in years past, and the safety and security of the American people would be well served by allowing the FBI to continue filling these positions in FY 2025 through the requested budget.

As described in this threat summary, our adversaries are not scaling back their efforts because of the constrained budget environment. In fact, threat actors may try to take advantage of Federal budget reductions to conduct nefarious activities. The FBI cannot afford to be playing catch-up to the People's Republic of China ("PRC"), Hamas, and transnational organized criminals coming across the border, and cyber actors. With the requested resources, the FBI will have the talent, tools, and authorities to do more to protect the American people and uphold the Constitution.

KEY THREATS AND CHALLENGES

Over the past year, the threats facing our nation have escalated. These threats emanate from myriad sources—nation-states, hostile foreign intelligence services, and criminals. They range from homegrown violent extremists (HVEs) to sophisticated cyber-attacks, from Internet facilitated sexual exploitation of children to human trafficking, from violent gangs and criminal organizations to public corruption and corporate fraud. Keeping pace with these threats is a significant challenge for the FBI, especially as technology evolves and allows adversaries to use the Internet and social media to facilitate illegal activities, recruit followers, encourage terrorist attacks and other illicit actions, to spread misinformation, and to disperse information on building improvised explosive devices and other means to attack the United States. Cyber actors also exploit technology to infiltrate U.S. networks, steal our intellectual property and secrets, spread malware, hold our critical infrastructure at risk, and create chaos. The breadth of these threats and challenges are as complex as at any time in our history, and the consequences of not responding to and countering threats and challenges have never been greater.

The support of this Committee in funding the FBI to do its part in thwarting these threats and facing these challenges is greatly appreciated. That support will allow us to establish strong capabilities and capacities to assess threats, share intelligence, leverage key technologies, and—in some respects, most importantly—hire the best personnel to serve as Special Agents, Intelligence Analysts, and professional staff. We have built, and are continuously enhancing, a workforce that possesses the skills and knowledge to deal with the complex threats and challenges we face today—and will face tomorrow. We are building a leadership cadre that views change and transformation as a positive tool for keeping the FBI focused on the key threats facing our nation.

Today's FBI is a national security and law enforcement organization that uses, collects, and shares intelligence in everything we do. Each FBI employee understands that, to defeat the key threats facing our nation, we must constantly strive to be more efficient and more effective. Just as our adversaries continue to evolve, so, too, must the FBI. We live in a time of acute and persistent terrorist and criminal threats to our national security, our economy, and indeed our communities. These diverse threats underscore the complexity and breadth of the FBI's mission: to protect the American people and uphold the Constitution of the United States.

NATIONAL SECURITY

Top Terrorism Threats

Protecting the American people from terrorism—both international and domestic—remains the FBI's number one priority. The threat from terrorism is as persistent and complex as ever. As we saw in October with the devastating attack in Israel, terrorist actors are still very intent on using violence and brutality to spread their ideologies. We are in an environment where the threats from international terrorism (IT), domestic terrorism (DT), and state-sponsored terrorism are all simultaneously elevated.

Over the past few years, the greatest terrorism threat to our homeland has been posed by lone actors or small cells of individuals who typically radicalize to violence online and who primarily use easily accessible weapons to attack soft targets. In addition to this threat, which has not diminished, we are also increasingly concerned that foreign terrorist organizations will enable or direct attacks on U.S, soil. We see

the lone offender threat with both domestic violent extremists ("DVEs") and HVEs, two distinct threats, both primarily located in the United States that typically radicalize and mobilize to violence on their own. DVEs are individuals based and operating primarily within the United States or its territories without direction or inspiration from a foreign terrorist group or other foreign power who seek to further political or social goals through unlawful acts of force or violence. In comparison, HVEs are individuals of any citizenship who have lived and/or operated primarily in the United States or its territories, who advocate, are engaged in, or are preparing to engage in ideologically motivated terrorist activities in furtherance of political or social objectives promoted by a foreign terrorist organization but are acting independently of direction by a foreign terrorist organization ("FTO").

Domestic and homegrown violent extremists are often motivated and inspired by a mix of social or political, ideological, and personal grievances against their targets, and more recently have focused on accessible targets to include civilians, law enforcement and the military, symbols or members of the U.S. government, houses of worship, retail locations, and public mass gatherings. Lone actors present a particular challenge to law enforcement and intelligence agencies. These actors are difficult to identify, investigate, and disrupt before they take violent action, especially because of the insular nature of their radicalization and mobilization to violence and limited discussions with others regarding their plans.

The top domestic terrorism threat we face continues to be from DVEs we categorize as racially or ethnically motivated violent extremists ("RMVEs") and anti-government or anti-authority violent extremists ("AGAAVEs"). The number of FBI domestic terrorism investigations has more than doubled since the spring of 2020. At the end of FY 2023, the FBI was conducting approximately 2,700 investigations within the domestic terrorism program and was also conducting approximately 4,000 investigations within its international terrorism program.

The FBI assesses HVEs as the greatest, most immediate international terrorism threat to the homeland. HVEs are people located and radicalized to violence primarily in the United States, who are not receiving individualized direction from FTOs but are inspired to commit violence by FTOs, including the self-proclaimed Islamic State of Iraq and ash-Sham ("ISIS") and al-Qaida and their affiliates. The lack of a direct connection with an FTO, ability to rapidly mobilize without detection, and use of encrypted communications pose significant challenges to our ability to proactively identify and disrupt potential violent attacks by HVEs.

While we assist our Israeli colleagues and we understand the global implications of the ongoing conflict in Israel, we are paying heightened attention to how the events abroad could directly affect and inspire people to commit violence here in the Homeland. Terrorist organizations worldwide, as well as individuals attracted to violence, have praised Hamas' horrific attack on Israeli civilians. We have seen violent extremists across ideologies seeking to target Jewish and Muslim people and institutions through physical assaults, bomb threats, and online calls for mass casualty attacks. Our top concern stems from lone offenders inspired by—or reacting to—the ongoing Israel-Hamas conflict, as they pose the most likely threat to Americans, especially Jewish, Muslim, and Arab-American communities in the United States. We have seen an increase in reported threats to Jewish and Muslim people, institutions, and houses of worship here in the United States, and we are moving quickly to mitigate them.

Presently, we have no information to indicate that Hamas has the intent or capability to conduct operations inside the United States, though we cannot, and do not, discount that possibility, but we are especially concerned about the possibility of Hamas supporters engaging in violence on the group's behalf. As always, we are concerned with any FTO that may exploit the attacks in Israel as a tool to mobilize their followers around the world. In recent years, there have been several events and incidents in the United States that were purportedly motivated, at least in part, by the conflict between Israel and Hamas. These have included the targeting of individuals, houses of worship, and institutions associated with the Jewish and Muslim faiths with acts of physical assault, vandalism, or harassment. Anti-Semitism and anti-Islamic sentiment permeate many violent extremist ideologies and serve as a primary driver for attacks by a diverse set of violent extremists who pose a persistent threat to Jewish and Muslim communities and institutions in the United States and abroad. FTOs have exploited previous conflicts between Israel and Hamas via media outlets and online communications to call on their supporters located in the United States to conduct attacks. Some violent extremists have used times of heightened tensions to incite violence against religious minorities, targeting both Jewish and Muslim Americans.

The FBI remains concerned about the intent of FTOs, such as ISIS and al-Qaida and their affiliates, to carry out or inspire large-scale attacks in the United States.

Despite its loss of physical territory in Iraq and Syria, ISIS remains relentless in its campaign of violence against the United States and its partners—here at home and overseas. ISIS and its supporters continue to aggressively promote its hate-fueled rhetoric and attract like-minded violent extremists with a willingness to conduct attacks against the United States and our interests abroad. ISIS' successful use of social media and messaging applications to attract individuals is of continued concern to us. Like other foreign terrorist groups, ISIS advocates for lone offender attacks in the United States and Western countries via videos and other English language propaganda that have specifically advocated for attacks against civilians, the military, law enforcement, and intelligence community personnel.

Al-Qaida also maintains its desire to conduct and to inspire large-scale attacks. Because continued pressure has degraded some of the group's senior leadership, we assess that, in the near term, al-Qaida is more likely to continue to focus on cultivating its international affiliates and supporting small-scale, readily achievable attacks in regions such as East and West Africa. Nevertheless, propaganda from al-Qaida leaders continues to seek individuals inspired to conduct their own attacks in the United States and other Western nations.

Iran and its global proxies and partners, including Iraqi Shia militant groups, attack and plot against the United States and our allies throughout the Middle East. Iran's Islamic Revolutionary Guard Corps-Qods Force ("IRGC–QF") has also provided support to militant resistance groups and terrorist organizations. And Iran has supported Lebanese Hizballah and other terrorist groups. Hizballah has sent operatives to build terrorist infrastructure worldwide. The arrests of individuals in the United States allegedly linked to Hizballah's main overseas terrorist arm, and their intelligence-collection and -procurement efforts, demonstrate Hizballah's interest in long-term contingency planning activities here in the Homeland. Hizballah Secretary-General Hassan Nasrallah has also threatened retaliation for the death of IRGC–QF Commander Qassem Soleimani.

While the terrorism threat continues to evolve, the FBI's resolve to counter that threat remains constant. We continually adapt and rely heavily on the strength of our Federal, state, local, Tribal, territorial, and international partnerships to combat all terrorist threats to the United States and its interests. To that end, we use all available lawful investigative techniques and methods to combat these threats while continuing to collect, analyze, and share intelligence concerning the threats posed by violent extremists who desire to harm Americans and U.S. interests. We will continue to share information and encourage the sharing of information among our numerous partners via our Joint Terrorism Task Forces across the country, and our legal attache? offices around the world.

In addition to fighting terrorism, countering the proliferation of weapons-of-mass-destruction materials ("WMD"), technologies, and expertise, preventing their use by any actor, and securing nuclear and radioactive materials of concern are also top national security priorities for the FBI. The FBI considers preventing, mitigating, investigating, and responding to WMD terrorism a "no-fail" mission because a WMD attack could result in substantial injuries, illness, or loss of lives, and yield significant social, economic, political, and other national security consequences.

The FY 2025 budget request will allow the FBI to invest resources in counterterrorism programs previously funded prior to the FY 2024 appropriation. In a rapidly evolving threat environment, now is not the time to reduce resources against international terrorism threats.

Cyber

The FBI has seen a wider-than-ever range of cyber actors threaten Americans' safety, security, and confidence in our digitally connected world. Cybercriminal syndicates and nation-states continue to innovate, using unique techniques to compromise our networks and maximize the reach and impact of their operations. Those techniques include selling malware as a service or targeting vendors to access scores of victims by hacking just one provider.

These criminals and nation-states believe that they can compromise our networks, steal our property, extort us, and hold our critical infrastructure at risk without incurring any risk themselves. In the last few years, we have seen the People's Republic of China ("PRC"), the Democratic People's Republic of Korea ("DPRK"), and Russia use cyber operations to target U.S. research. We have seen the PRC working to obtain controlled dual-use technology, while developing an arsenal of advanced cyber capabilities that could be used against other countries in the event of a real-world conflict. And we have seen the disruptive impact a serious supply- chain compromise can have through the SolarWinds-related intrusions, conducted by the Russian Foreign Intelligence Service. As these adversaries become more sophisticated, we are increasingly concerned about our ability to detect specific cyber operations

against U.S. organizations. One of the most worrisome facets is their focus on compromising U.S. critical infrastructure, especially during a crisis.

Making things even more difficult, there is often no bright line that separates where nation-state activity ends, and cybercriminal activity begins. Some cybercriminals contract or sell services to nation-states; some nation-state actors moonlight as cybercriminals to fund personal activities; and nation-states are increasingly using tools, such as ransomware, typically used by criminal actors.

So, as dangerous as nation-states are, we do not have the luxury of focusing only on them. In the past year, we also have seen cybercriminals target hospitals, medical centers, educational institutions, and other critical infrastructure for theft or ransomware, causing massive disruption to our daily lives. Incidents affecting medical centers have led to the interruption of computer networks and systems that put patients' lives at increased risk.

We have also seen the rise of an ecosystem of services dedicated to supporting cybercrime in exchange for cryptocurrency. Criminals now have new tools to engage in destructive behavior—for example, deploying ransomware to paralyze entire hospitals, police departments, and businesses—as well as new means to better conceal their tracks. It is not that individual malicious cyber actors have necessarily become much more sophisticated, but that they can now more easily rent sophisticated capabilities.

We must make it harder and more painful for malicious cyber actors and criminals to carry on their malicious activities. As the lead Federal agency for threat response, the FBI works seamlessly with domestic and international partners to defend their networks, attribute malicious activity, sanction bad behavior, and take the fight to our adversaries overseas. We must impose consequences on cyber adversaries and use our collective law enforcement and intelligence capabilities to do so through joint and enabled operations sequenced for maximum impact. And we must continue to work with the Department of State and other key departments and agencies to ensure that our foreign partners are able and willing to cooperate in our efforts to disrupt perpetrators of cybercrime.

An example of this approach is the coordinated international operation announced in April 2023 against Genesis Market, a criminal online marketplace offering access to data stolen from over 1.5 million compromised computers around the world containing over 80 million account access credentials. Genesis Market was also a prolific initial access broker (IAB) in the cyber-crime world, providing criminals a user-friendly database to search for stolen credentials so they could easily infiltrate a victim's computer. As part of this operation, law enforcement seized 11 domain names used to support Genesis Market's infrastructure pursuant to a warrant authorized by the US District Court for the Eastern District of Wisconsin. A total of 22 international agencies and 44 FBI field offices assisted the FBI Milwaukee Field Office investigating the case. And on April 5, 2023, the U.S. Department of Treasury announced sanctions against Genesis Market.

In January 2024, the FBI announced an operation where the FBI and its partners identified a network of hundreds of compromised routers used by the PRC sponsored hacking group known as Volt Typhoon. The botnet enabled China to hide, among other things, pre-operational reconnaissance and network exploitation against critical infrastructure like our communications, energy, transportation, and water sectors. The PRC took these steps to find and prepare to destroy or degrade the civilian critical infrastructure that keeps us safe and prosperous. To be extremely clear, cyber threats to our critical infrastructure represent real-world threats to our physical safety. Working with our partners, the FBI ran a court-authorized, on-network operation that significantly disrupted this Volt Typhoon botnet and the access it enabled.

This operation was an important step. But there's a lot more to do. To quantify what we are up against: the PRC has a bigger hacking program than every other major nation combined. In fact, if each one of the FBI's cyber agents and intelligence analysts focused exclusively on the PRC threat, the PRC's hackers would still outnumber FBI cyber personnel at least 50 to 1. The appropriations this Committee decides on this year will dictate what resources can apply to counter the growing PRC cyber threat, especially as 2027, the year that the Chinese Communist Party (CCP) has targeted for a potential invasion of Taiwan, approaches.

The FBI is doing everything in its power to combat these threats. In total, we took over 1,000 actions against cyber adversaries in 2023, to include arrests, criminal charges, convictions, dismantlements, and disruptions, and enabled many more actions through our dedicated partnerships with the private sector, foreign partners, and with Federal, state, and local entities. We also provided thousands of individualized threat warnings and disseminated 78 public threat advisories by way of Joint Cybersecurity Advisories, FBI Liaison Alert System ("FLASH") reports, Pri-

vate Industry Notifications ("PINs"), and Public Service Announcements ("PSAs")—many of which were jointly authored with other U.S. agencies and international partners.

Along with our partners in the interagency, the FBI has devoted significant energy and resources to partnerships with the private sector. We are working hard to push important threat information to network defenders, but we have also been making it as easy as possible for the private sector to share important information with us. For example, we are emphasizing to the private sector how we keep our presence unobtrusive in the wake of an incident, as well as how we protect identities and other information that the private sector shares with us. We are still committed to providing useful feedback and improving coordination with our government partners so that we are speaking with one voice. But we need the private sector to do its part, too. We need the private sector to come forward to warn us and our partners when they see malicious cyber activity. We also need the private sector to work with us when we warn them that they are being targeted. Our collective response to significant cyber threats—the SolarWinds campaign, Russia's Cyclops Blink botnet,, and the Colonial Pipeline incident— only emphasize what we have been saying for a long time: the government cannot protect against cyber threats on its own. We need a fully resourced whole-of-society approach that matches the scope of the danger. There is no other option for defending a country where nearly all of our critical infrastructure, personal data, intellectual property, and network infrastructure sits in private hands.

In summary, the FBI is engaged in myriad efforts to combat cyber threats, from improving threat identification and information sharing inside and outside of the government to developing and retaining new talent, to examining the way we operate to disrupt and defeat these threats. We take all potential threats to public and private sector systems seriously and will continue to investigate and hold accountable those who pose a threat in cyberspace. The FY 2025 Request includes an additional 12 positions (including 4 Special Agents and 8 Professional Staff) and $7.0 million to enhance cyber response capabilities.

Foreign Intelligence Threats

Nations such as the PRC, Russia, and Iran are becoming more aggressive and more capable than ever before. These nations seek to undermine our core democratic, economic, and scientific institutions, and they employ a growing range of tactics. Defending American institutions and values against these threats is a national security imperative and a priority for the FBI.

With that, the greatest long-term threat to our Nation's ideas, innovation, and economic security is from PRC foreign intelligence and economic espionage. By extension, it is also a threat to our national security. The PRC aspires to reshape the international rules-based system to its benefit, often with little regard for international norms and laws.

When it comes to economic espionage, the PRC uses every means at its disposal, blending cyber, human intelligence, diplomacy, corporate transactions, and other pressure on U.S. companies operating in the PRC, to steal our companies' innovations. These efforts are consistent with the PRC's expressed goals of becoming the preeminent power on the world stage through technology-enabled economic and military development.

To pursue this goal, the PRC uses human intelligence officers, co-optees, and corrupt corporate insiders, as well as sophisticated cyber intrusions, pressure on U.S. companies in China, shell-game corporate transactions, and joint-venture "partnerships" that are anything but a true partnership. There is nothing traditional about the scale of their theft. It is unprecedented. American workers and companies are facing a greater, more complex danger than they have dealt with before. Stolen innovation means stolen jobs, stolen opportunities for American workers, and stolen national power.

As the lead U.S. counterintelligence agency, the FBI is responsible for detecting and lawfully countering the actions of foreign intelligence services and organizations as they seek to adversely affect U.S. national interests. The FBI recognized the need to coordinate similar efforts across all agencies, and therefore established the National Counterintelligence Task Force ("NCITF") in 2019 to create a whole-of-government approach to counterintelligence. The FBI established the national-level NCITF, in the National Capital Region to coordinate, facilitate, and focus multi-agency counterintelligence operations, and to programmatically support local Counterintelligence Task Force ("CITF") operations in each FBI field office. Combining the authorities and operational capabilities of the U.S. Intelligence Community, Federal, state, and local law enforcement, and local CITFs, the NCITF coordinates

and leads whole-of-government efforts to defeat hostile intelligence activities targeting the United States.

The Department of Defense ("DoD") has been a key partner in the NCITF since its founding. While the FBI has had long-term collaborative relationships with DoD entities such as the Air Force Office of Special Investigations, Naval Criminal Investigative Service, and Army Counterintelligence, the NCITF has allowed us to enhance our collaboration with each other for greater impact. We plan to emphasize this whole-of-government approach moving forward as a powerful formula to mitigate the modern counterintelligence threats.

In recent years, we have seen a rise in efforts by authoritarian regimes to interfere with freedom of expression and punish dissidents, political opponents, and others abroad. These acts of repression cross national borders, often reaching into the United States. The governments of China, Russia, and Iran, and their proxies stalk, intimidate, and harass expatriates or dissidents who speak against the regime from within the United States and elsewhere, as well as other individuals these governments view as threats to their regime.

Transnational repression can occur in different forms, including assault, kidnapping, and murder. Governments use transnational repression tactics to silence the voices of their own or former citizens, U.S. residents, and family members living abroad who are critical of their regimes. This sort of repressive behavior is antithetical to our values. People from all over the world are drawn to the United States by the promise of living in a free and open society that adheres to the rule of law. To ensure that this promise remains a reality, we must continue to use all of our tools to block authoritarian regimes that seek to extend their tactics of repression beyond their own shores.

In addition, our Nation is confronting multifaceted foreign threats seeking both to influence our national policies and public opinion and to harm our national dialogue and debate. The FBI and our interagency partners remain focused on foreign malign influence operations, including subversive, undeclared, coercive, and criminal actions used by foreign governments in their attempts to sway U.S. citizens' preferences and perspectives, shift U.S. policies, increase discord in the United States, and undermine the American people's confidence in our democratic institutions and processes.

Foreign malign influence is not a new problem, but the interconnectedness of the modern world, combined with the anonymity of the Internet, have changed the nature of the threat. The FBI is the lead Federal agency responsible for investigating foreign malign influence threats. Several years ago, we established the Foreign Influence Task Force ("FITF") to identify and counteract foreign malign influence operations targeting the United States. The FITF is led by our Counterintelligence Division, and comprises agents, analysts, and professional staff from the Counterintelligence, Cyber, Counterterrorism, and Criminal Investigative divisions. It is specifically charged with identifying and combating foreign malign influence operations targeting democratic institutions inside the United States.

The domestic counterintelligence environment is more complex than ever. We face a persistent and pervasive national security threat from foreign adversaries, particularly the governments of China, Russia, and Iran, who conduct sophisticated intelligence operations using coercion, subversion, malign influence, cyber and economic espionage, traditional spying, and non-traditional human intelligence collection. Together, they pose a continuous threat to U.S. national security and our economy by targeting strategic technologies, industries, sectors, and critical infrastructure. Historically, these asymmetric national security threats involved foreign intelligence service officers seeking U.S. government and U.S. Intelligence Community information. Now, however, the FBI has observed foreign adversaries employing a wider range of nontraditional collection techniques, including the use of human collectors not affiliated with intelligence services, foreign investment in critical U.S. sectors, and infiltration of U.S. supply chains. The FBI continues to adjust its counterintelligence priorities to address this evolution.

The FY 2025 Request includes an additional 44 positions (12 Special Agents, 18 Intelligence Analysts, and 14 Professional Staff) and $17.8 million to help combat the threats posed by foreign, and potentially hostile, intelligence services and other foreign government actors.

CRIMINAL THREATS

The United States. faces many criminal threats, including financial and healthcare fraud, transnational and regional organized criminal enterprises, crimes against children, human trafficking, and public corruption. Criminal organizations—

domestic and international—and individual criminal activity represent a significant threat to security and safety in communities across the Nation.

A critical tool in protecting the Nation from those who wish to do harm is the National Instant Criminal Background Check System, or NICS. The goal of NICS is to ensure that guns do not fall into the wrong hands and ensure the timely transfer of firearms to eligible gun buyers. Mandated by the Brady Handgun Violence Prevention Act of 1993 and launched by the FBI on November 30, 1998, NICS is used by Federal Firearms Licensees ("FFLs") to determine whether a prospective buyer is eligible to buy firearms. NICS receives information from tens of thousands of FFLs and checks to ensure that applicants do not have a criminal record and are not otherwise prohibited and therefore ineligible to purchase a firearm. In the first complete month of operation in 1998, a total of 892,840 firearm background checks were processed. By contrast, in 2023, approximately 2.4 million checks were processed per month, for a total of 29.9 million processed last year.

The Bipartisan Safer Communities Act (BSCA), signed into law in June 2022, requires enhanced NICS background checks for any person under the age of 21. These enhanced background checks are more labor-intensive but have prevented ineligible persons from acquiring firearms. As provisions from the BSCA continue to be implemented, the FBI expects the volume of NICS transactions to continue to grow. Ensuring the timely processing of these inquiries is important to ensure law abiding citizens can exercise their right to purchase a firearm and to protect communities from prohibited, and therefore ineligible, individuals attempting to acquire a firearm. To ensure the FBI maintains this capability, the FY 2025 Request includes an additional 27 positions (including 1 Special Agent and 26 Professional Staff) and $8.4 million.

Violent Crime

Violent crimes and gang activities exact a high toll on individuals and communities. Many of today's gangs are sophisticated and are well organized. They use violence to control neighborhoods and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings. These gangs do not limit their illegal activities to single jurisdictions or communities. The FBI is able to work across such lines, which is vital to the fight against violent crime in big cities and small towns across the Nation. Every day, FBI special agents work in partnership with Federal, state, local, and Tribal officers and deputies on joint task forces and individual investigations.

FBI joint task forces—Violent Crime Safe Streets, Violent Gang Safe Streets, and Safe Trails— identify and target major groups operating as criminal enterprises. Much of the FBI criminal intelligence is derived from our state, local, territorial, and Tribal law enforcement partners, who know their communities inside and out. Joint task forces benefit from FBI surveillance assets, and our sources track these gangs to identify emerging trends. Through these multi-subject and multi-jurisdictional investigations, the FBI concentrates its efforts on high-level groups engaged in patterns of racketeering. This investigative model enables us to target senior gang leadership and to develop enterprise-based prosecutions.

By way of example, the FBI has dedicated tremendous resources to combat the threat of violence posed by MS–13. The atypical nature of this gang has required a multi-pronged approach—we work through our task forces here in the United States. while simultaneously gathering intelligence from and aiding our international law enforcement partners. We do this through the FBI's Transnational Anti-Gang Task Forces ("TAGs"). Established in El Salvador in 2007 through the FBI's National Gang Task Force, Legal Attache? San Salvador, and the Department of State, each TAG is a fully operational unit responsible for the investigation of MS–13 operating in the northern triangle of Central America and threatening the United States. This program combines the expertise, resources, and jurisdiction of participating agencies involved in investigating and countering transnational criminal gang activity in the United States and Central America. There are now TAGs in El Salvador, Guatemala, and Honduras. Through these collaborating efforts, the FBI has achieved substantial success in countering the MS–13 threat.

We are committed to working with our Federal, state, local, and Tribal partners in a coordinated effort to reduce violent crime in the United States.

Transnational Organized Crime ("TOC")

More than a decade ago, organized crime was characterized by hierarchical organizations, or families, that exerted influence over criminal activities in neighborhoods, cities, or states. But organized crime has changed dramatically. Today, international criminal enterprises run multi-national, multi-billion-dollar schemes from start to finish. Modern-day criminal enterprises are flat, fluid networks with global

reach. While still engaged in many of the "traditional" organized crime activities such as loan-sharking, extortion, and murder, modern criminal enterprises are now also involved in trafficking counterfeit prescription drugs containing deadly fentanyl, conducting stock market fraud and manipulation, committing cyber-facilitated bank fraud and embezzlement, illicit drug trafficking, identity theft, human trafficking, money laundering, alien smuggling, engaging in public corruption, weapons trafficking, kidnapping, and other illegal activities. TOC networks exploit legitimate institutions for critical financial and business services that enable the storage or transfer of illicit proceeds. Preventing and combating transnational organized crime demands a concentrated effort by the FBI and Federal, state, local, territorial, Tribal, and international partners.

As part of our efforts to combat the TOC threat, the FBI is focused on the cartels trafficking dangerous narcotics, like fentanyl, across our borders. The FBI has over 350 cases linked to cartel leadership, and 91 of those are along the southern border. Additionally, the FBI actively participates in 18 Organized Crime Drug Enforcement Task Forces ("OCDETF") Strike Forces across the United States, investigating major drug trafficking, money laundering, and other high-priority TOC networks. On top of that, through our prescription drug initiative we are pursuing healthcare fraud investigations against medical professionals and pill mills, through our Safe Streets Task Forces, investigating the gangs and criminal groups responsible for distributing dangerous substances like fentanyl, and through our Joint Criminal Opioid Darknet Enforcement team disrupting and dismantling DarkNet marketplaces for prescription opioids and drugs like fentanyl.

While the FBI continues to share intelligence about criminal groups with our partners and combines resources and expertise to gain a full understanding of each group, the threat of transnational crime remains a significant and growing threat to national and international security with implications for public safety, public health, democratic institutions, and economic stability across the globe. TOC groups increasingly exploit jurisdictional boundaries to conduct their criminal activities overseas. Furthermore, they are expanding their use of the Darknet to engage in illegal activity while exploiting emerging technology to traffic illicit drugs and contraband across international borders and into the United States.

Crimes Against Children and Human Trafficking

Every year, thousands of children become victims of crimes, whether it results from kidnappings, violent attacks, sexual abuse, human trafficking, or online predators. The FBI is uniquely positioned to provide a rapid, proactive, and comprehensive response. We help identify, locate, and recover child victims. Our strong relationships with Federal, state, local, territorial, Tribal, and international law enforcement partners also help to identify, prioritize, investigate, and deter individuals and criminal networks from exploiting children.

But the FBI's ability to learn about and investigate child sexual exploitation is being threatened by the proliferation of sites on the Darknet and end-to-end encryption. For example, currently, there are at least 30 Child Sexual Abuse Material (CSAM) sites operating openly and notoriously on the Darknet. Some of these exploitative sites are exclusively dedicated to the sexual abuse of infants and toddlers. The sites often expand rapidly, with one site obtaining as many as 200,000 new members within its first few weeks of operation. End-to-end encrypted apps allow offenders to form groups of like-minded individuals to trade files of CSAM and trade tips for how to exploit children—all with no fear of detection.

Another growing area of concern involving the sexual exploitation of children and adults alike is the explosion in incidents of children, teens, and adults being coerced into sending explicit images online and being extorted for money. Known as financially motivated "sextortion," between October 2021 and March 2023, law enforcement received over 13,000 reports of this type of crime, resulting in at least 12,600 victims here and abroad, and more than 20 suicides. A large percentage of these sextortion schemes originate outside the United States, primarily in West African countries such as Nigeria and Ivory Coast. The continued development of Artificial Intelligence (AI) has made this crime even easier to commit. Perhaps the most difficult part of a successful sextortion is convincing the child to initially share a sexually explicit depiction. Now, with AI, offenders can create the sexually explicit depiction from innocent images available on social media—and then use that created image to extort the child into creating actual depictions or making a financial payment. The FBI continues to collaborate with other law enforcement partners and the National Center for Missing and Exploited Children to mitigate this criminal activity and provide the public with informational alerts and victim resources regarding these crimes.

The FBI has several programs in place to arrest child predators and to recover missing and endangered children. To this end, the FBI funds or participates in a variety of endeavors and constructs, including the Innocence Lost National Initiative, the Innocent Images National Initiative, Operation Cross Country, Child Abduction Rapid Deployment Team, Victim Services, over 80 Child Exploitation and Human Trafficking Task Forces, over 74 International Violent Crimes Against Children Task Force officers, and numerous community outreach programs to educate parents and children about safety measures they can follow. Through improved communications, the FBI collaborates with partners throughout the world quickly, playing an integral role in preventing crimes against children.

The Child Abduction Rapid Deployment Team is a rapid-response team with experienced investigators strategically located across the country to quickly respond to child abductions. Investigators provide a full array of investigative and technical resources during the most critical time following the abduction of a child, such as the collection and analysis of DNA, impression, and trace evidence, the processing of digital forensic evidence, and interviewing expertise.

The FBI also focuses efforts to stop human trafficking of both children and adults, including both sex trafficking and forced labor. The FBI works collaboratively with law enforcement partners to disrupt all forms of human trafficking through Human Trafficking Task Forces nationwide. Over a two-week period in 2023, the FBI and its Federal, state, local, and Tribal partners, executed approximately 350 operations to recover potential survivors of human trafficking and other forms of exploitation, and to disrupt potential trafficking and exploitation crimes. These operations identified and located 59 minors who were potential victims of child sex trafficking, child sexual exploitation, or related state or Federal offenses and located 59 actively missing children. Furthermore, the FBI and its partners located 141 adults who were identified as potential victims of sexual exploitation, human trafficking, or related state or Federal offenses. In addition to identifying and recovering missing children and potential victims, these law enforcement actions led to the identification or arrest of 126 suspects implicated in potential child sexual exploitation, human trafficking, or related state or Federal offenses.

While many potential victims of human trafficking encountered or recovered by the FBI are adult U.S. citizens, foreign nationals, children, and other vulnerable populations are disproportionately harmed by both sex and labor trafficking. In 2023, the FBI initiated efforts to develop specialized strategies for identifying and investigating crimes involving forced labor and transnational trafficking of foreign-national victims into the United States. The FBI and its partners take a victim-centered, trauma-informed approach to investigating these cases and strive to ensure the needs of victims are fully addressed at all stages. To accomplish this, the FBI works in conjunction with other law enforcement agencies and victim specialists on the Federal, state, local, territorial, and Tribal levels, as well as with a variety of vetted non-governmental organizations. Even after the arrest and conviction of human traffickers, the FBI often continues to work with partner agencies and organizations to assist victims and survivors in moving beyond their exploitation.

KEY CROSS-CUTTING CAPABILITIES AND CAPACITIES

Operational Technologies

As criminal and terrorist threats become more diverse and dangerous, the role of technology becomes increasingly important to our efforts. We are using technology to improve the way we collect, analyze, and share information. We have seen significant improvement in capabilities and capacities over the past decade; but keeping pace with technology remains a key concern for the future.

The FBI Laboratory is one of the largest and most comprehensive forensic laboratories in the world. Operating out of a state-of-the-art facility in Quantico, Virginia, laboratory personnel travel the world on assignment, using science and technology to protect a Nation and support law enforcement, intelligence, military, and forensic science partners. The Lab's many services include providing expert testimony, mapping crime scenes, and conducting forensic exams of physical and hazardous evidence. Lab personnel possess expertise in many areas of forensics supporting law enforcement and intelligence purposes, including explosives, trace evidence, documents, chemistry, cryptography, DNA, facial reconstruction, fingerprints, firearms, digital forensics and WMDs.

One example of the Lab's key services and programs is the Combined DNA Index System (CODIS), which allows 200 law enforcement laboratories throughout the United States to compare over 20 million DNA profiles. In the last 20 years, CODIS has aided over 675,000 investigations, while maintaining its sterling reputation and the confidence of the American public.

Statutory requirements and recent regulatory changes have significantly expanded the DNA processing requirements of the FBI. For instance, enacted in 2005, the DNA Fingerprint Act (in 34 U.S.C. § 40702(a)(1)(A) and (B)) authorized the Attorney General to collect DNA samples from individuals who are arrested, facing charges, or convicted, and from non-U.S. persons detained under U.S. authority. The law mandates Federal DNA collection agencies submit their arrestee collections to the FBI Laboratory for analysis and entry into CODIS. In April 2020, the Department of Justice amended the DNA Fingerprint Act's implementing rule that now precludes the Department of Homeland Security (DHS) from waiving DNA collections. As a result, during the past twelve months, the FBI received an average of 146,000 DNA samples per month, which is more than quadruple the average monthly submission rate for FY 2021 of 36,300 samples. This substantial increase has created massive budget and personnel shortfalls for the FBI. While the FBI has worked with DHS components to automate and streamline workflows, a backlog of over 1.6 million samples (as of April 2024) has developed, increasing the likelihood of arrestees and non-U.S. detainees being released before identification through investigative leads. The Administration requested $204 million in its national security supplemental to address this backlog.

Investment in additional DNA expansion capabilities and technology is critical to maintaining and enhancing the FBI's ability to address emerging threats and help mission critical information reach partners and investigators in an expeditious manner.

CONCLUSION

In conclusion, the threats we face as a nation have never been greater or more diverse and the expectations placed on the FBI have never been higher. Our fellow citizens look to the FBI to protect the United States from all of those threats, and the men and women of the FBI continue to meet and exceed those expectations, every day. I want to thank them for their dedicated service. I also want to pledge to this Committee to be good stewards of the resources provided.

Chair Shaheen, Ranking Member Moran, and Members of the Subcommittee, thank you for the opportunity to testify today. I am happy to answer any questions you might have.

Senator SHAHEEN. Thank you very much, Director Wray.

Senator Manchin, I understand you have to leave to chair another hearing, so would you like to begin the questioning?

Senator MANCHIN. First of all, thank you, Madam Chair. I appreciate that very much.

And to Director Wray, to you, and to all of the 35,000-plus members who protect us every day, and put their lives in harm's way for us, I want to thank each and every one of them too.

Sir, real quickly, I want to thank you for coming in 2022 to our Clarksburg, West Virginia FBI Center, which is your largest, I believe, installation that does all the background checks. And my concern there is the Bipartisan Safer Communities Act, making sure you have the necessary funds and budget to enact that properly, that we can continue to grow and protect the people of America from those who want weapons for the wrong reason, and shouldn't have them, that we can do the background checks properly.

So if you feel that this has been done adequately there and if there is any help that you are needing; please let me know.

Director WRAY. So I certainly appreciate your strong support for the men and women of CGIS. As we have discussed, I think before, in my view, the folks at CGIS are the folks that, in some ways, have the greatest impact on the American people but that the American people know the least about. And one of those services, of course, is NICS, and the Bipartisan Safer Communities Act, provided an important boost to our authorities in that space, and additional funding.

Now, on the funding part, though, here is the key.

Senator MANCHIN. I understand, and I heard——

Director WRAY. Here is the key, we are very grateful to this subcommittee and to Congress for the 170 positions that were provided to NICS to implement BSCA, the problem, the problem is that was a one-time funding.

Senator MANCHIN. Yes.

Director WRAY. And so if this Congress doesn't reauthorize—doesn't re-appropriate, I should say, that funding we lose those 170 positions. So we need to get those positions funded, you know, in sort of going forward, and not just one-time funding, and in addition to that, in the 2025 budget, we have asked for an enhancement, it is not a huge enhancement, but it is an enhancement with more positions because right now what is happening is the sheer volume of the new checks that we have to do is going to draw people away from the traditional background checks.

Senator MANCHIN. If you notice we are running out of time. If I can get a couple more in, sir, I would appreciate it very much.

Director WRAY. Yes.

Senator MANCHIN. But if you want go ahead and brag on the people in Clarksburg, West Virginia, all the good work they do. I appreciate that very much, and I am very proud of them too.

The border, the southern border, I think you have touched on that, how absolutely horrendous that is, and what we have got to do and all the threats that we are facing there. And we are hoping today's announcement by the President will give us some light of hope, no matter how much, but any improvement at all is going to be much appreciated. So I know you are watching that very closely.

What I want to talk to that is bothering me more than anything else, is basically the attack on the judicial system, we have in this great country. The rule of law, and I am speaking as a layman. I am not speaking as an attorney. I am not an attorney.

But I keep trying to explain to people, my State is an R–40 State, if that gives you an idea how strongly the President—former President Trump, has been supported. And I want to make sure I am accurate when I tell them. They come to me and they say: Well, it was a kangaroo court, this and that happened, and it wasn't fair and everything.

And I said, Well, I understand the process was, that there was a jury of peers, 12, that went through the process, but by no means does it mean it is over. The rule of law, the way I understand it in America, no matter what State you are in, I have a right to cure. If I think I have had a misjudgment or basically someone who ruled and maybe took liberties they shouldn't have taken, that judge can be reprimanded, can go through another Appeal process, an Appellate Court, or can even go up to the State Supreme Court, and then the United States Supreme Court.

I think people have to understand the checks and balances we have in the rule of law. There is no other country like us. A lot of countries: One and done. They say you are guilty, you are gone. Not in America.

So for people—so the President—former President is going to be on the ballot, in any way, shape, or form, as I see. I don't think anything could happen that is going to prevent him from being on the ballot. And if you think that whether the Ds or the Rs or who

is playing favors. I have got to put that to rest, because I am concerned, if we lose the rule of law, and the faith and confidence in the judicial system that we have, then we have lost America as we have known it.

And your fears on that, or concerns, am I correct in saying that everyone has ability to cure, if they think they have been misjudged?

Director WRAY. So of course I am not going to discuss anything about the case.

Senator MANCHIN. Yes. I know that. I am sorry, I just—you are the most——

Director WRAY. But I most certainly believe deeply in the rule of law.

Senator MANCHIN. Yes.

Director WRAY. And I do think that is one of the things that distinguishes the United States and our allies from counties, authoritarian countries like China, you know, whether it is redress, whether it is appeals.

Senator MANCHIN. Sure.

Director WRAY. You know, the way I have sometimes put it is, when have charged—take China, for example, when we have charged folks acting on behalf of the Chinese Government, that is us saying, we are so confident in the facts that we are willing to prove them beyond a reasonable doubt, in front of an independent court, with all the redress, and everything else you have talked about, and we lose cases.

Senator MANCHIN. Sure.

Director WRAY. The prosecutors don't like me to remind people of that, but we lose cases in this country. The Chinese don't lose many cases, and it is not because they are better. I can assure you.

Senator MANCHIN. I have got you. I got you.

Director WRAY. So respect for our—just in general, I am not speaking about any specific case, or any specific criticism, but respect for our institutions, respect for our processes is something that I think we need to try to hold dear. Just, again, I am speaking in general terms, not about any specific case.

Senator MANCHIN. And that is the greatest threat, I think, you know, at the border, and then basically, losing the respect that we have and the faith that we in the judicial system. That is my concern. And the more you can do to educate the process, and all the curing elements I have, if I think I have been treated wrong, I have got other ways to handle it in America, nowhere else does that happen. Thank you, sir.

Senator SHAHEEN. Thank you, Senator Manchin. Senator Moran.

Senator MORAN. Chair, thank you very much. I will leave my time in this round to the Senator from Maine.

Senator COLLINS. Thank you very much. It is very kind of you.

Director Wray, I want to follow up on my opening statement, about proliferation of the illegal marijuana operations in the State of Maine, in rural houses, all over the State. This is a serious problem, and our counties, State, and local law enforcement have been work with Federal officials, but they are overwhelmed by the magnitude of the task. Barely a day goes by that our sheriffs another operation to close down one of these growing operations.

And by the way, the houses are full of black mold, and will never be habitable again. So that is also of great concern.

What is the FBI's theory about why Chinese nationals—or Chinese transnational criminal organizations are setting up these illegal marijuana growing operations in States like Maine?

Director WRAY. So it is something we have a number of investigations into, as you might imagine. I guess speaking in my sort of Intelligence Agency leadership role, we don't yet see—but we are obviously investigating—any direct ties between these growers and, say, the Chinese Government itself.

But we are starting to see, as we unpack this more, more ties between a lot of these growing operations and Chinese organized crime. And as to why they might be viewing the United States rural communities, etc., as an attractive market for this kind of activity, at the moment, our assessment is that it is a combination of the fact that it is activity that can be done relatively cheaply, and with, by comparison to, say, other drugs in the United States, the consequences that they face, from a legal perspective, are not as severe, or that they might be in other countries where they might also want to operate.

So it makes for an attractive business proposition, if I can speak that blandly about it. So we think that is what is going on. We are continuing to investigate this. I am very sympathetic to our State and local partners. You are right that we are seeing it in rural communities. We are even starting to see some of this creeping into, say, Tribal lands, for example, around the country. So it is an emerging concern for sure, but that is what I can say on it right now, I guess.

Senator COLLINS. Thank you. Just one theory that I have heard is that these Chinese transnational criminal organizations are using it as a money laundering operation to bring more fentanyl into the country, which is, of course, the last thing that we need. So I hope the FBI will continue its cooperation in the State of Maine, with State, local, and county officials, as well as with your other Federal partners like DEA, DHS, IRS, et cetera.

I mentioned my concern about a terrorist attack because I think the lights are blinking red. There is a related issue that I want to bring up in the time that I have left, and that is, just this past Friday, the FBI issued a joint intelligence bulletin that noted that anti-Semitism will likely continue to drive calls for violence against Jewish individuals and institutions in the United States. Could you comment on the threat to the Jewish community, which may originate, organically, here in the United States, or may be driven by Hamas and other anti-Semitic groups?

Director WRAY. So we see, and we have seen for quite some time, an elevated threat to the Jewish community in the United States. That was true even before October 7. So you know, we saw last year a significant increase in hate crimes, overall, and then within that, a significant increase of hate crimes against—threats and other types of violent activity directed at the Jewish community.

And then since October 7, you know, the increase just went up dramatically. I think in the first 4 months after October 7, we saw about a 60 percent increase in the number of hate crimes investigations we were opening. And while not all of those were targeting

the Jewish community, some were targeting Muslim-Americans, Arab-Americans, and others, but the vast majority were targeting the Jewish community.

To put that in a little more context, the Jewish community represents about 2.5 percent of the American population, and yet within religiously motivated hate crimes, about 60 percent of them, close to 60 percent of them, are directed at the Jewish community. So you can see the reason why we think it is such a significant concern.

They are targeted by foreign Jihadist-inspired terrorists, whether it is ISIS, al-Qaeda, or others. They are targeted by Shia terrorists, Iran and its proxies. They are targeted by domestic violent extremists, you know, White Supremacists, and others, as well as anarchists, and some of the folks who are, you know, pro-Palestinian and so forth.

So they have the tragic distinction of really being targeted by almost every type of terrorist organization there is out there, foreign and domestic, across the spectrum. And so they desperately need our help. And we are going to give it to them.

Senator COLLINS. Thank you so much.

Senator MORAN. [Presiding] Senator Reed.

Senator REED. Well, thank you very much, Senator Moran.

Director, thank you for your service. And please convey my deepest thanks to the men and women who serve with you.

You indicated in your opening remarks that last year you took a hit in your budget. This year, if you don't get what the President asked for, how many personnel do you estimate you will have to lay off?

Director WRAY. Well, we don't know yet how many because, of course, we don't know what will happen. I think at the moment the effect of the 2024 budget is that that is about 1,000 positions that we can't fill, and we are kind of muddling our way through the impact of the 2024 budget. But if Congress were to, in my view, make the mistake of doubling down on that, then the consequences would be very significant.

I mentioned the work we are doing to protect people from terrorism, that is fewer tips and leads followed, fewer terrorist attacks detected, that is a significant concern in a heightened terrorist threat environment.

I mentioned violent crime; arresting 50 bad guys per day every day, the kind of cuts that you are alluding to means more violent gangs terrorizing neighborhoods, more bad guys on the street to hurt people. I talked about the threat from China: the scale of the China threat is massive. Cyber alone, they outnumber the FBI 50 to 1. So scaling backwards means that many more cyber attacks at a time when they are trying to target our critical infrastructure, among other things, so it makes the environment safer for hackers.

I talked about the border. We have got between 300 and 400 investigations into the cartels. We are seizing enough fentanyl in FBI field offices and our task forces, single seizures, enough fentanyl to wipe out an entire State. So cuts to our budget in 2025, there is going to mean more fentanyl on the street, more overdoses, more deaths, more violence.

So when people ask me what is the effect of these cuts, the people it hurts are State and local law enforcement, and the people working together, working with them trying to protect. The people it helps are the terrorists, the cartels, the violent gangs, the Chinese government, the hackers, the child predators, and I can go on and on.

So I would implore Congress. And again this subcommittee, I think has always been very responsive, but I would implore Congress: please don't make the mistake of thinking that you can make cuts like this and not have real consequences to public safety and to our State and local partners.

I think that is the part that keeps getting lost. Our State and local partners, and I can say this with the perspective of having been in law enforcement since the mid-90s, State and local law enforcement these days depends on the FBI more than ever. Not just for all the things I just listed off, but for training, technical assistance, fingerprints, DNA. I mean, you could just go right on down the list.

NCIC, and Senator Manchin, if he were here, I am sure would be glad that I was bringing up NCIC. When an officer does a traffic stop, they are running the person's identifiers through the FBI databases back in West Virginia. That information tells them whether the person they pulled over is dangerous. So it just goes straight to officer safety. That is just another example. All this stuff is put at risk when we start talking about cuts of the sort that we had in 2024, and we just cannot have happen in 2025.

Senator REED. One of the ways we think around here, and I might be exaggerating the "think" part, is domestic defense, domestic side, defense side, you are actually a National Security Agency, but you are lumped in with the domestic side. And we can't, I think, continue to think that way.

Your operation is just as valuable to our National Defense as the Department of Defense. And I happen to chair the Services Committee, so I think that point should be made.

I don't have much time left. But you could quickly characterize the domestic terrorist threat, particularly in the context of the election.

Director WRAY. The domestic terrorist threat?

Senator REED. Yes.

Director WRAY. So we have certainly—we view the domestic terrorist threat as being pervasive—persistent, I should say, and significant, and the biggest concern is lone actors, or maybe small groups, acting against soft targets with easily accessible weapons, often with very little notice. And it covers the waterfront. We have seen a lot of racially motivated violent extremism. We have seen anti-government, anti-authority violent extremism that covers a variety of perspectives. And it is a threat that year after year continues to be a real concern.

Senator REED. Thank you very much. Thank you, Mr. Chairman.

Senator MORAN. Senator Reed. I think our number in this CJS Appropriation is $890 billion that is defense spending. So you can't make a clear distinction, as sometimes people try to do.

Senator REED. Well, I am all for that. Thanks.

Senator MORAN. I am just trying to point out that you are right.

Senator REED. Thanks.

Senator MORAN. I may not have made that clear because you seem to want to argue with me.

Director, you are talking about salaries and reduced financial support for the FBI, and fiscal year 2024 budget. It was really effectively held flat, which is a challenge in inflationary times. You request $85.4 million for the restoration of 270 positions related to National Security and law enforcement. Is this your highest priority?

Director WRAY. The restoration of positions is our highest priority, yes.

Senator MORAN. And if that was accomplished, if we were capable of doing that, that would, the benefit of that is just what you described to Senator Reed, correct?

Director WRAY. Right. That the goal would be to allow us to sustain the pace that was set with the 2023 budget, because what is happened is the net effect of the 2024 budget is it set us back $500 million, because of the factors that you listed. So the key is to restore our operations so that we can continue to hum against all the things that I was listing off to Senator Reed, and not set us backwards. And if that doesn't happen, then we start falling even further behind is the problem.

Senator MORAN. Do you have a significant number of vacant positions already?

Director WRAY. We have some positions that are vacant. Our fill rate is actually higher than historically it has been at the FBI, which is a good thing. It is good news for America. But between—so we are trying to kind of manage our way through the 2024 cuts through a combination of attrition and how fast we are filling the vacant positions we do have. But again if it lasts, if what happened with '24 is replicated, then we are going to be in a real world of hurt.

Senator MORAN. Is the FBI workforce, what is the age category? Is it aging? Or is it young, are the people nearing retirement that work at the FBI, or?

Director WRAY. Well, we had—we are coming off of the heels of, you might call it a bit of a retirement bulge when you just look actuarially. So in other words, if you went back 20-plus years, there was a big hiring spree, if you will, post 9/11, and 1811s, armed law enforcement agents in particular, in other words, the way the system works if they have 20 years in service and they are 50 years or older, they are eligible to retire. So whenever you are looking at retirement age of the workforce, you have got to go back 20 plus years and see what was happening then.

And so there was—we are coming off of a bit of a bookend of that group, so it is starting to level off, as the last time I looked at it. So we are not in a big retirement bulge right now anymore, so that is part of why it is an issue.

Senator MORAN. Director, I mentioned in my opening statement the southern border and the challenges that we have had at the border. I mentioned a member of ISIS, I mentioned an NBC news report about an individual who was on the terrorist watch list that was released. I recognize that the primary responsibility implicates the failures of the Department of Homeland Security, but the FBI

Terrorist Screening Center is the primary Federal entity responsible for national security screening and for facilitating the sharing of information across government.

Do these cases reflect a breakdown in our efforts to ensure that all government partners have full actionable information they need to protect our citizens from terrorism?

Director WRAY. So I am not sure I can discuss specific examples, but let me try to get at your question this way. So certainly, we have seen over the last five to 6 years, an increase in the number of known suspected terrorists, in other words watch-listed subjects attempting to cross the border. And that is of concern, and that is where there is a lash-up between the TSC and CBP at the border that I think, in general, works pretty well.

The bigger problem, the big problem in my view is twofold. One, individuals who when they come in are either armed with fake documents or snuck in, in some way or; or, and this is very important, individuals for whom there is not enough derogatory information in the intelligence community to watch-list them yet.

So let me just unpack that a little bit, because this is an important point, because it kind of goes to what Senator Collins was asking me about, and it may relate a little bit to your other hat on the Senate Intelligence Committee.

So as we collect collectively across the intelligence community and with our partners, less information about foreign terrorists overseas, there is less information to be had about who the people coming into this country are, which that means——

Senator MORAN. Would you say that sentence again? I missed the first part of the sentence.

Director WRAY. So the way I look at it is as we have less collection overseas against foreign terrorism, there is less sources of information to inform people about people coming in. So in other words, somebody could be coming in who should be watch-listed, but isn't. And it is not because of a breakdown between CBP and the TSC, it is because the information that should have told everybody that this person is a threat has not yet been unearthed by whatever intelligence agency it is out there.

Because it is not just the FBI that puts people on the watch-list we are getting information from lots of other agencies. So as we pulled out of Afghanistan, for example, you get less and less information about whether somebody from Afghanistan is actually a threat. And so some of the cases that I have seen that concern me, are situations where somebody comes into the United States, it is not because there was a breakdown between CBP and the TSC, it is because they weren't watch-listed at the time, but in hindsight they should have been watch-listed because information was later developed that says, oh-oh, this person is a problem.

Do you see what I am saying there, right? That is that is a much bigger concern, in my view. And so we really need to be focusing on how we can try to address that with the rest of the intelligence community, with our partners, and so forth.

When that happens, when we find somebody who is here in the United States who we now then know this person needs to be put on the watch-list, then we use our Joint Terrorism Task Forces to go out and try to find the person, work with our State local part-

ners, we have the backstop of 800,000 sworn law enforcement, et cetera. But that, to me, is a bigger concern than the number of KSTs we——

Senator MORAN. Director, just a brief, brief follow-up. Is there a delay in timing once someone is known, is it is known that they should be on the watch list, is there a delay before it is known across government agencies?

Director WRAY. I don't know about delay. I mean, there is an interagency process——

Senator MORAN. How long does it take?

Director WRAY. I think it varies, is a short answer. I mean, it is not just, the FBI can snap its fingers and put somebody on the list, there is an interagency, very rigorous process to protect civil liberties, and other things, to put somebody on the watch list, but once they are on the watch list, there is pretty much instantaneous notification to the relevant parties.

Senator MORAN. Thank you.

Senator SHAHEEN. Thank you, Senator Moran. I would just point out to the Members of the Committee that the second vote has started. So anybody who hasn't voted, you have your opportunity now.

And I know there are a number of other hearings going on, so I understand, Senator Van Hollen, you are hoping to get back to another hearing, so Senator Heinrich said it is fine with him as long as he is next. So we made a deal, he is going to be next.

Senator VAN HOLLEN. Okay. Thank you both. Yes, sorry, I have Secretary Yellen in front of my subcommittee.

So Director Wray, it is great to see you, and I do want to start by——

Senator SHAHEEN. You are not suggesting that she has precedent over Director Wray?

Senator VAN HOLLEN. No, no. Of course not, but I am sharing that one.

So I want to thank you for your efforts on combating domestic terrorism and commend the Bureau for its work on that front in Maryland, this time last year, as a result of an investigation led by the FBI's joint terrorism task force, two individuals affiliated with Neo-Nazi groups were charged with conspiring to attack Baltimore's Power Grid facilities. Their motivations stem from violent extremists, White Supremacist beliefs, and in recent developments, just last month, the FBI Field Office and the U.S. Attorney's Office announced that one of the individuals pled guilty to conspiring to damage or destroy electrical facilities, and will be sentenced in the fall, facing up to 20 years for that crime. So again, thank you for your team in action.

Also, I am sure you are aware of the fact that the Attorney General was testifying in the House today in front of the House Judiciary Committee. As you know these crazy conspiracy theories continue to fly, so I wanted to ask you just to take this opportunity to once again put a nail in the coffin of this idea that somehow the FBI was complicit in, you know, organizing, instigating the January 6 attacks, you said in July of last year, so a little under a year ago.

Quote, "This notion that somehow the violence at the Capitol on January 6th was part of some operation orchestrated by FBI sources and agents is ludicrous, and is a disservice to our brave, hardworking, dedicated men and women." unquote. Director Wray, can you confirm just how outrageous, and frankly, dangerous these kinds of assertions are?

Director WRAY. Well, first off, I stand by my prior testimony. I think the men and women of the FBI work their tails off every day to protect the American people from a whole range of threats, and I think irresponsible, inaccurate allegations like that are a disservice to these people who are putting themselves on the line every day to protect others. And I think it is "unfortunate" would be the kindest word I can use.

Senator VAN HOLLEN. That is kind, and diplomatic. But thank you for reaffirming your testimony from last year.

Speaking of the men and women of the FBI, we agree that they deserve our thanks, and they also deserve a new headquarters worthy of their work, and as you know last year, the GSA selected Green Belt, Maryland for a new suburban consolidated FBI Headquarters.

Two months ago, the GSA submitted a report to Congress requesting approval for use of previously appropriated funds for site acquisition and design of this new facility. The GSA report notes that, quote, "Final facility size will be driven by updated FBI requirements," unquote.

Director Wray, is the FBI developing the necessary updated requirements for the new facility?

Director WRAY. So we are working closely with GSA. I think the short version of the process is that the report that was submitted in March, I believe it was, was intended to get Congressional feedback on that, because I understand it GSA needs that needs that feedback in order to then do the much more detailed, more labor-intensive, and even expensive work that is required to build out the rest of it.

So we are continuing to work with GSA, but I think we are waiting to hear back from Congress, or at least I know GSA feels like they need to hear back from Congress about the reactions to that, the higher level plan that you—I think it is the same one that you referred to in March.

Senator VAN HOLLEN. Well, let me just ask you this. Are you, the FBI, fully cooperating with all the GSA requests in order to prepare for the building of the New FBI Headquarters? Are you fully cooperating with all of GSA's requests?

Director WRAY. I believe we are working closely with GSA in cooperation with them in full compliance with the law.

Senator VAN HOLLEN. Okay.

Director WRAY. The specifics of exactly what conversations, what meetings, that part I couldn't tell you right here right now, but my understanding is that we continue to work closely with GSA on the project as contemplated.

Senator VAN HOLLEN. I only ask, Mr. Director, because we have not heard from GSA about need for feedback from Congress before they move forward in cooperation with the FBI. So that would be news to me, but I will follow up with GSA about.

Director WRAY. Again I think the way it was described to me was that the report that we worked on with GSA that was submitted, again, I think it was in March was intended to tell Congress the direction we, or GSA, are headed to get feedback, was the word that was given to me, from Congress, and I think in effect, to make sure the word in the right direction because the next steps are significantly more labor-intensive, and even expensive. And so before we start doing too much of that GSA, it felt like they needed, in effect, a steer, I suppose it is, from Congress on that.

Senator VAN HOLLEN. Okay. Thank you, Madam Chair. Thank you, Senator Heinrich.

Senator SHAHEEN. Well, thank you Senators Van Hollen and Heinrich. Now, Senator Heinrich when I said you would be next, I did not anticipate that we would have Senator Kennedy coming in, and he was here first.

Okay. So in fairness; Senator Kennedy.

Senator KENNEDY. Sorry, Martin.

Mr. Director, welcome. I bet you just love talking about where to put the FBI building, don't you; probably one of your favorite topics. I have got two questions. Number one, if you took the major Mexican drug cartels, which also traffic people into the United States, and turn them upside down and shook them, President Lopez Obrador would fall out of their pockets, wouldn't he?

Director WRAY. Well, I don't know that I can comment on a specific individual's corruption, other than through cases that we bring, but I understand the point that you are making for sure.

Senator KENNEDY. We are not getting much cooperation out of Mexico, are we?

Director WRAY. Let me put it this way, while we have had some successes here and there, in terms of extraditions, and so forth, and I appreciate those, and I am grateful to our Mexican partners for those, especially at the working level, we need a whole lot more from Mexico than we have gotten, in terms of shutting down the cartels and stopping the flow of the precursors. I mean, I could go on and on.

So I am grateful for the success as we have had, but we need a heck of a lot more, is the way I would answer that.

Senator KENNEDY. Why don't we use leverage, of what I call NAFTA–2 to try to encourage the President of Mexico to cooperate more?

Director WRAY. You know, NAFTA, of course, is a trade agreement, and I am not really an expert on trade relations, certainly, from an FBI perspective, we welcome every tool in the toolbox to try to improve the relationship and the cooperation. And I am hopeful that the Mexican Government will see the value of building on the successes we have had and take it to the level that it needs to be, because it is not where it needs to be.

Senator KENNEDY. Here is my second question. We know that Jeffrey Epstein, who is now deceased, and Ms. Maxwell, his associate, who is in prison, were engaged in a conspiracy of sex trafficking with minors, so were others, it has been widely reported. What is the FBI doing to investigate the other people that were involved in these sex trafficking rings?

Director WRAY. Well, I am not sure that I can confirm any specific individuals——

Senator KENNEDY. Let me put it this way. Let me give you some facts, widely reported. Jeffrey Epstein had video surveillance in all of his homes, and on his private island, and there have been articles after articles from witnesses who have said he videotaped sex acts with prominent people because he was trying to—with young girls that he had procured to try to incur favor with those prominent people, and potentially, to be able to blackmail them.

Now, that is a fact. And the FBI and other Federal agencies have raided his houses. Do you have those tapes?

Director WRAY. Again, I can't discuss the specifics of our law enforcement operations related to Mr. Epstein or Ms. Maxwell, but obviously, we had a very active investigation related to both of them. But whether it extends to other people, I am not sure that is something I can comment on.

Senator KENNEDY. But here—a suit was filed yesterday against one of those prominent people by one of the young women sex trafficked, allegedly, said he was part of the ring. So on the front page, I don't know—was The New York Times, The Wall Street Journal, and we keep seeing article, after article, after article, and we keep hearing about prominent person, after prominent person, after prominent person.

I just want to know if these prominent people are above the law, and are going to be—and aren't being investigated? Or is the FBI investigating?

Director WRAY. Well, no one is above the law, number one. As to whether specific people are being investigated, that is not something that I, as I am sure you can appreciate, can engage on here. We have devoted significant resources to the investigation——

Senator KENNEDY. Is it ongoing?

Director WRAY. I am not sure there is anything I can share with you on that, but let me see if we can get back to you and provide a little more information——

Senator KENNEDY. Well, for example, these allegations in this lawsuit, the civil action, is it——

Director WRAY. I haven't seen the article.

Senator KENNEDY. You ought to read it, it will trigger your gag reflex. Is the FBI going to investigate that?

Director WRAY. Well, again, I haven't seen the article, but I would be happy to take a look at it, and take it back and see if it is part of something that we are already working on.

Senator KENNEDY. I would just like to know——

Senator KENNEDY. I share your——

Senator KENNEDY [continuing]. Yes, is the FBI still investigating this? Or are these prominent people going to go scot-free?

Director WRAY. I am not sure that I can tell you whether or not there is ongoing work being devoted to this, I would be happy to take a look at the specific article. I share your disgust, at Mr. Epstein's conduct, and Ms. Maxwell's conduct.

Senator KENNEDY. And others.

Director WRAY. The whole operation.

Senator KENNEDY. Okay, thanks Madam Chair.

Sorry, Martin. You are a fine American anyway.

Senator SHAHEEN. Thank you, Senator Kennedy.

Senator Peters, Senator Heinrich has kindly consented to give you time to prepare for your round of questioning, and he is going next, because I made a deal with him.

Senator HEINRICH. We have done some musical chairs here. I apologize.

Director, I wanted to ask you a little bit about the Bipartisan Safer Communities Act, and specifically how that engaged in the business language may have broadened your ability to perform background checks, and what impact that then has on other agencies' ability to successfully prosecute things like the straw purchasing and gun trafficking provisions in that law?

Director WRAY. So certainly, BSCA was an important piece of legislation that has added to our authorities at NICS, in particular, in a number of ways, in terms of additional background checks for the so-called U–21 Group in particular. And I think that is important, because as I go around talking to State and local law enforcement, and I have been, and talked to law enforcement in all 50 States, I believe, easily, in this job, one of the two recurring themes you will hear on violent crime, is the role of juveniles and the role of mental health.

Senator HEINRICH. Um-hum.

Director WRAY. Almost every group, no matter what State I am talking to. And so the Bipartisan Safer Communities Act does, I think, take an important step in the right direction in terms of addressing that specific part of the threat.

The part that you are asking about is more in ATF's lane, but we work very closely with ATF on our Safe Streets and Violent Crimes Task Forces, and we are always looking for the strongest violation to disrupt the threat. And so whether it is straw purchaser cases, or things like that, I know when I was a line prosecutor, I prosecuted, tried a number of straw purchaser cases, those are important tools, and so often, that is one of the best violations to dismantle a violent crime threat.

Senator HEINRICH. One of the other things that we have, and I don't think adequately addressed in the law yet, but which is skyrocketing, is these ghost guns or privately made firearms. Law enforcement has seen 1000 percent increase in recoveries between 2016 and 2021.

In 2022, we had a ghost gun was used to shoot and kill a 16-year-old, at West Mesa High School in Albuquerque. And I wish that were a completely isolated case. What is the FBI doing to recover and prevent assembly of ghost guns, and what tools, and maybe even more importantly, do you need from the Congress to be able to get your hands around this challenge?

Director WRAY. So I would say ghost guns, as you say, represent a real challenge for law enforcement because the kits are cheap, and widely available, and undercut the ability to trace the firearm and, in effect, end up undermining the background investigation process. And unfortunately, we are seeing ghost guns more and more in violent crime and gang investigations.

Now, as to authorities, you are really talking more ATF in terms of regulation or even legislation, but we do coordinate closely. Whenever we seize ghost guns as part of a takedown, we are obvi-

ously working closely with ATF on that. As to other things that Congress can do to help, at the risk of answering every question with the same answer, we need Congress to restore the progress that was made in 2023, so that we can sustain our efforts against violent crime, and sustain our work in terms of denials of firearms to the people who are legally prohibited from having them.

Senator HEINRICH. Yes, absolutely. On that note, and I suspect it will be a similar answer, you know, we made some progress recently with the FEND Off Fentanyl Act that was really designed to prevent fentanyl from getting inside the United States in the first place. But you have to deal with it once it is already here.

You mentioned funding and the potential impact that the budget could have on your ability to disrupt that flow. Feel free to reiterate the importance of that and then also touch on other tools that you may need that—to address the sort of crisis that we are seeing in communities all across this country.

Director WRAY. So we are finding most of the fentanyl that we seize at the FBI is fentanyl that is already here in the United States. And what we are finding is that something like 70 percent of it is coming up in violent gang takedowns. So that shows you kind of firsthand the nexus between the fentanyl problem, and the violent crime problem, and some of the most dangerous offenders.

And it is not unusual, not unusual for the FBI, for any given field office, to seize enough fentanyl in one takedown to have wiped out an entire State, and so if you start thinking about the impact of the cuts that we have been talking about in this hearing; that is fewer seizures, that is more pills on the market that is more people dying. I mean, just put it as bluntly as that.

And that is just looking at it that way. And of course, we also have all these investigations into cartel leadership, and again, the cuts impact that, if we are going to be serious about going after the cartels. Among the other things that we are doing to try to tackle the fentanyl problem, we have an initiative called JCODE that aggressively targets darknet trafficking of fentanyl.

We just last year had an operation called SpecTor that was the largest ever, I think, takedown of darknet trafficking marketplace of fentanyl and other dangerous synthetic opioids. So that is an important part of our work. I know in your home state of Albuquerque, I just remembered off the top of my head, there was a great takedown that they did where they were seizing enough fentanyl to wipe out, like an entire State, along with, again, back to the nexus with violence, along with hand grenades, ballistic vests, you know, the whole nine yards.

So the fentanyl problem, and the violent crime problem are inextricably linked, and of course, the fentanyl problem is directly tied to the problems from the other side of the border.

Senator HEINRICH. So not a great time to cut his budget.

Senator SHAHEEN. Certainly, it is not. It is unfortunate we have another year of the Fiscal Responsibility Act.

Senator Peters, thank you for your patience.

Senator PETERS. Well, thank you, Madam Chair.

Director Wray, good to see you again, and as always, thank you for your service to our country. Director Wray, last year as chairman of the Homeland Security and Government Affairs Committee,

I released a report on the watch-listing and screening processes at airports, and the report raised concerns about the watch list, including who it is shared with, its implementation, its oversight, as well as the redress process.

In particular, the report found insufficient transparency, lack of a holistic approach to screening, and no meaningful options to resolve concerns for Americans who believe that they were misidentified, or the subject to discrimination.

Certain communities, such as Muslim, Arab, and South Asian Americans, report disparate screening during their travel and the breakdown in trust over the inability to redress the process. Certainly, I think you agree the administration, including the FBI, must effectively target our resources to protect our country from terrorism first and foremost, but we also need to respect the rights of innocent Americans as well.

So my question for you, sir, is I believe you are familiar with this report, and what steps have you taken to ensure that there is more transparency, especially to Congress, about the watch list and other datasets maintained by the Terrorist Screening Center, as recommended in the report that my Committee published?

Director WRAY. So certainly, I agree, as you stated, that it is important that the database be used to protect our national security and at the same time, respect civil liberties. And no one is placed on the watch list solely because of race, ethnicity, national origin, religious affiliation, or any First Amendment-protected activities.

And there is a rigorous interagency process. There are continuous review and quality control measures. We are constantly taking advantage of new methods and technologies to strengthen those processes. And while the FBI and the TSC, as I know you know because of your other role, are not responsible for the actual travel screening, we do work diligently with the interagency to try to make sure we are maintaining a current and accurate watch list.

Recently, the TSC published a comprehensive document about the watch list process, which includes everything from the process for nominations, the use of the list, quality assurance measures, and to the heart of your question, the redress procedures. And so, our hope is that that document strikes the balance of the two issues that you mentioned in terms of providing more transparency about all those processes so that people know how it works, know how they can challenge, if they have something they want to challenge, while at the same time not compromising our national security.

Ironically, some of the transparency around this process could itself infringe on people's privacy and civil liberty because of, you know, who it identifies in a way that maybe they wouldn't want being identified.

Senator PETERS. Right. It is always a careful balance. So we have to continue to work with, we have been working with your team. We hope we can continue to do that. And it is been a particular issue in Detroit Airport, for example, for reasons you and I have discussed many times.

Director WRAY. Right.

Senator PETERS. Director Wray, we have seen historic spikes in anti-Semitic, anti-Muslim, and anti-Arab-American hate incidents,

certainly driven by the war between Israel and Hamas. We are also seeing rising anti-immigrant rhetoric, which in the past has inspired domestic terror attacks in Pittsburgh and El Paso, for example. DOJ has also announced it is investigating dozens of violent threats against election workers, and has already convicted 13 individuals. And as you said earlier, you are increasingly concerned about the potential for a coordinated foreign terrorist attack here in the homeland.

So the threat of a terrorist attack is high, and we don't know what will inspire the next attack, or where it will happen. But my question for you is, given all of these threats, how is the FBI now prioritizing resources to protect these communities from these varying threats?

Director WRAY. Well, you covered a waterfront because there is a waterfront to threats. So to start with, on the terrorism side, terrorism, which includes both foreign terrorism and domestic terrorism, remains our number one priority. That has not changed, and that drives prioritization within all the field offices for one thing.

Second, we, a couple years ago, we elevated civil rights specifically, including hate crimes, to what we call a national threat priority. And the effect of that is to drive prioritization in all the field offices.

In addition, I created a few years ago, something that we call the Domestic Terrorism-Hate Crimes Fusion Cell, because what I found was that sometimes the same act of violence could be considered either a hate crime or an act of domestic terrorism. In many ways, it is the same type of attack; it is just two different legal structures.

And in the FBI, the Criminal Investigative Division, you know, we have people who focus on hate crimes, and then we, of course, we have people who focus on the national security side, on terrorism. And so, this Fusion Cell that I created brought the two groups together to ensure both that nothing slips through the cracks, but also maybe more importantly, to try to see if we can better anticipate, and to be more proactive to prevent these attacks in the first place, as opposed to solely responding after they tragically occur.

And I am proud of some of the work that was done, including, I think, for the, first time ever, a couple years ago now, a proactive hate crimes charge that disrupted an attack against a synagogue. I believe it was in Nevada, but it could have been in Colorado because there is one of each.

Senator PETERS. Great. Thank you. Appreciate that. And I look forward to continuing to work with you.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Peters. Senator Fischer.

Senator FISCHER. Thank you, Madam Chair, and thank you for being here today, Director Wray. I continue to be concerned about the threat that the Chinese Communist government poses to critical infrastructure in the United States, especially when it comes to cybersecurity. In Nebraska, this presents distinct vulnerabilities for our agriculture industry and the Nation's food supply. For in-

stance, malicious code contained in planting data can harm crop yields.

It also can be used by foreign actors to steal our AG innovation. What internal mechanisms is the FBI relying on to counter cyber threats to the agriculture industry, from China specifically?

Director WRAY. So we are specifically concerned not just—as you are about the China threat more broadly, but about the China threat as it relates to agriculture, in particular. I have visited our Omaha Office a couple of times, met with our partners there, and I know from first-hand experience and contact with them that they are acutely focused on specifically the threats to agriculture. And in fact, they are holding, I think, a big summit soon that I was hearing about, that is bringing people from all over the State in the region, again, very much focused on this issue.

We have seen in the past the Chinese Government, or people from China, acting on behalf of China attempting to steal cutting-edge agricultural research, even to the point of—I know in Senator Moran's home State of Kansas, we have stopped a guy trying to fly out of the country with cutting-edge agricultural research. In Iowa, I can remember we had guys out in the fields digging up genetically modified corn seed, and we prosecuted—worked with the DOJ to prosecute them.

So there is the theft, the IP theft part, and we know that China has specifically identified agriculture as one of its areas that it wants to target. It is quite explicit about that. So that is a concern.

You also brought up, I think, the critical infrastructure dimensions of this, and we have seen the Chinese Government attempting to target multiple sectors, civilian sectors, to preposition, to potentially cause havoc at a time and place of their choosing. And so that is something that we are really trying to focus on.

Senator FISCHER. Can you tell us that in this setting specifically what sectors and where that is happened? Or should it be in a closed session?

Director WRAY. There are some sectors I could share publicly, whether there is anything I could share about agriculture specifically on that, I am not sure. I know that what I can say publicly, but it gives you a flavor of what we are dealing with. We conducted, with our partners, a court-authorized operation that took down and exposed a Chinese Government effort to preposition on civilian critical infrastructure that included water, telecommunications, and a variety of others.

And again, there was no legitimate purpose to be on the parts of the networks they were on, other than to be in a position to wreak havoc at a time and place of their choosing.

Senator FISCHER. Right. You know we are, in addition to cybersecurity, we are also worried about communications network, that infrastructure there that the Chinese are looking at, and it has been a challenge to be able to fund FCC, the Rip and Replace Program, that is out there. So we know that the Chinese have that telecom equipment there. We know the security risks that are involved.

Are you able to share any updates today from the FBI's work to evaluate the Chinese network gear that is located especially next to U.S. Military installations? Again, if you could do it here, if it

would need to be in a closed setting, Western Nebraska's assets, in other words——

Director WRAY. Yes, on the communication side, and the whole Rip and Replace issue, that is probably something better reserved for another setting. What I can tell you is that we have a number of investigations underway that relate to allegations concerning buying up of land near installations that would be of concern. And it is not that there is anything inherently unlawful about foreign purchase of land, but we get concerned when the purchaser may have ties back to a government that doesn't share our values, and it is positioned near some critical plant.

Senator FISCHER. And that is what we follow as well. Do you have enough availability; is there enough transparency in these transactions to easily discover if there is a connection to the Chinese there? As I said earlier, we have concerns in Western Nebraska about some of these.

Director WRAY. So it is a challenge. We are, on Farmland in particular; we are working with USDA to try to look to some kind of mandatory reporting regime that might be helpful there. And so we are—that is a relationship that continues to grow between the agencies.

I would say that the Chinese Government, now that more and more businesses, states, countries are, are wise to what they are up to, are making it harder to trace transactions and they are, you know, they are not just sort of looking at the combined efforts of us, and our partners, and just saying never mind. They are doubling down and trying to figure out how to be more creative to try to hide the hand of the Chinese Government in some transaction. So we are having to work that much harder with partners to try to be—to sleuth out the involvement of some state nexus.

Senator FISCHER. Thank you. Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Fischer.

Senator Merkley.

Senator MERKLEY. Thank you very much, Madam Chair.

And good to see you, Director; Director, I wanted to explore a little bit the challenge of the plot to murder a Sikh activist here in the United States. The Department of Justice unsealed an indictment and the individual, I gather, is in the Czech Republic, and that we have established there are extradition possibilities. Is that progressing?

Director WRAY. I can say that I am very aware of the case you are talking about, and I do feel the case is progressing. There is probably not a whole lot I can say about it for that reason, but yes, the case is progressing.

Senator MERKLEY. But we are actively pursuing extradition?

Director WRAY. We are, I believe, I can confirm that much, yes.

Senator MERKLEY. Thank you. The Washington Post reported that U.S. officials have identified the individual in the Indian Intelligence Agency who was the crafter of the plot, and that the plot was approved by the Chief of Research and Analysis Wing, which is the Indian Spy Agency. I have not seen that we are pursuing indictments. But are we pursuing indictments against individuals who, not just the hired assassin, if you will, but those who planned and plotted the assassination?

So that is a question that I can't answer here. What I can't tell you, just because it is an ongoing, a very ongoing investigation. And what I will tell you is that we feel quite strongly, as I think you do, that individuals cannot attempt to conduct lethal plotting in the United States even if they feel strongly that somebody is somebody they view as a bad actor. That is not a recourse that they have available to them to engage in lethal plotting.

Senator MERKLEY. I raised this particular case because I have previously raised, and really tried to put a spotlight on the growing problem of transnational repression. And as the chair, the Senate side chair of the Congressional Executive Commission on China, we hold a lot of hearings in which people are testifying. Many of those folks have been subject to transnational repression by the Chinese Government.

This morning we had the anniversary, the hearing on the anniversary of Tiananmen Square, and the individuals again spoke about the challenges they have faced. In fact, one individual testified with an assumed name and a mask in order to protect herself from repression.

Previously I have raised the issue of having a better gateway for people to talk to the FBI about transnational repression, because in the past the FBI had said, well, just tell people to call the general tip line. That is not something hardly anyone does, of those that I am aware of who have been subject to this. They are not sure it is a crime. They are not sure it will be confidential. They are not sure there will be a Chinese speaker.

So in our fiscal year 2024 bill, we had report language that directed the FBI to ensure that its tip line is staffed by people with cultural and linguistic ability to communicate with the Diaspora, and knowledge of the tactics of transnational repression. Has the FBI accomplished that assignment?

Senator MERKLEY. What I can tell you is that we have a transnational repression cell that is focused specifically, not just on how we analyze the intelligence related to transnational repression, but how we feed that into outreach and engagement with the targeted communities. And that includes everything from translations into the relevant languages, to supplying it to field offices for Community engagements with dissident and Diaspora communities sprinkled around the country, with the whole goal of being trying to address the very concern that you are alluding to, which is to recognize that these are folks who, in many case, the transnational repression is at the hands of law enforcement from these other countries, so they are understandably a little bit reluctant, to turn to law enforcement here. So it is an effort to educate them on what transnational repression is, how they can reach out to us to show them that we are there to help.

Senator MERKLEY. And that is valuable. And thank you for having your outreach teams engaged in that manner. I am still not hearing that they are presenting an opportunity to those communities in which those communities feel comfortable sharing their experiences. So I want to continue to raise this.

I think from your response the specific assignment of having the tip line staffed with people with the linguistic ability specific to the

population most affected may not have happened yet, but I will follow up with you in that regard.

We have seen the—and I am—how quickly 5 minutes pass. So I am out of time, but I will just close with noting that this challenge is growing, some of folks that we work closely with, India included, and Turkey are now engaging in transnational repression. It is particularly important that nobody gets a pass on this. Here in the United States, people it should not should not be possible for foreign governments to threaten them or threaten their families back home, it is such a direct attack on freedom of speech and freedom of association. Thank you.

Senator SHAHEEN. Thank you Senator Merkley. Senator Hagerty.

Senator HAGERTY. Thank you, Madam Chair.

Welcome, Director Wray. Director Wray, we are in the midst of a critical election year, and the American people need to be able to count on a fair process. Are you concerned about election interference this year? A yes or no answer will suffice.

Director WRAY. Am I concerned about election interference? Yes.

Senator HAGERTY. I would like to talk about one specific threat, one specific concern that I have. Several Federal laws prohibit using governmental authority to interfere in Federal elections, and the FBI would be in charge of investigating such a violation of Federal law, were it to occur; is that correct?

Director WRAY. I would have to think about the specific examples, but certainly, there is a range of types of interference in elections that we have authorities to pursue. So I guess it depends on the facts, the specific factual scenario.

Senator HAGERTY. Certainly happened. I know the FBI has investigated extensively in the past in this arena. Here we have a situation that is unprecedented, no former President, no major candidate for President, has ever been prosecuted criminally in American history. Yet now we have a situation where the incumbent president, is major candidate—a major opponent is being prosecuted in five separate jurisdictions by—all by Democrat partisan prosecutors, and all of this culminating right in the middle of an election season. Does that sound to you like coordinated election interference, or is that just a coincidence?

Director WRAY. Well, I am not going to discuss State, pending State criminal prosecutions. That is not something I would ever do, the——

Senator HAGERTY. I am talking about utilizing governmental authority to interfere in an election. Let me get more specific. What we saw happen last week was Alvin Bragg, who ran on a platform of getting Trump, do just that with a flimsy made-up theory, and a criminal conviction. Just this weekend, the leader of the Soros Organization came out and advised Democrats to repeat the slogan, "convicted felon" so it could be imprinted on voters' minds. Alvin Bragg facilitated that imprint, and did just that. Is that coordinated election interference, or is that just a coincidence that that would happen?

Director WRAY. Again, with all due respect I am not going to talk about—you are talking about a State—a criminal case that——

Senator HAGERTY. Well, let me get—I will go to a—I will go to a Federal level then. If you look back to April 2022, The New York

Times reported that President Biden had told his advisers that he wanted Donald Trump prosecuted that was printed in The New York Times, just days after President Trump announces that he was going to enter the election process, Merrick Garland appoints Jack Smith to prosecute Trump, President Biden's opponent. Is this coordinated election interference to go after your opponent in a Federal election using the Justice Department to do it?

Director WRAY. You are asking about a special account, special counsel appointment by the Attorney General, in a pending Federal case that is in front of a Federal judge, and it is not something that I can appropriately discuss here.

Senator HAGERTY. Well, here is another situation, when Letitia James was running for New York Attorney General she campaigned to get Trump. In fact, Representative Dan Goldman, called it an individualized political vendetta. Does it seem that using the criminal justice system for a political vendetta is election interference, or is that just a coincidence too?

Director WRAY. Again, I am just not going to weigh in on pending State criminal cases. It is not an appropriate role for the FBI to address——

Senator HAGERTY. If the FBI has the duty to investigate violations of Federal law, and Federal law prohibits the use of governmental authority to interfere in elections, particularly a presidential election of this consequence the FBI is not investigating it, I presume, who is going to investigate it? Who is going to look into this?

Director WRAY. Well, again, I am not going to talk about who we are or are not investigating, because that is not something that is appropriate for me under DOJ rules. I can tell you that we are going to do our part, and we have up one part in protecting our elections from the threats that we have jurisdiction to investigate.

Senator HAGERTY. Well, the way the legal stars have aligned in this circumstance is deeply concerning, not only to me, but to the American people. And I just stepped through a number of situations where it certainly appears that there is a coordinated effort to go after the President's main political rival. And it is happening, all of these are convening right at the same time, right in the middle of an election year, they are using facts or theories from years past, but all of it is coming together right at this point in time. It certainly looks like a coordinated effort to me, and it certainly looks like the type of thing that the FBI should be investigating.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you Senator Hagerty. I would just point out that I think there are a number of people who do not support that conspiracy theory. So I appreciate that you have that view, and the——

Senator HAGERTY. If it is a conspiracy the way this aligns——

Senator SHAHEEN. And others don't have that view.

Senator HAGERTY [continuing]. Is the most incredible thing I have ever seen, Madam Chair.

Senator SHAHEEN. And I share the Director's view that that is not appropriate for the Director of the FBI to comment on.

Senator Coons.

Senator COONS. Thank you, Madam Chair, and thank you, Director Wray.

Director, I have had the chance to work with you in an oversight role both during the Trump administration and the Biden administration and I admire the ways in which you have worked. Do you think it is important that the FBI maintain its independence from any efforts to politicize the Federal law enforcement system?

Director WRAY. Very much so. I think the FBI has a unique role to play in American society and in our legal system, and we need to be able to call balls and strikes no matter who likes it. And unfortunately in today's world it is a reality that with everything we do there is going to be somebody who doesn't like it. But we can't get hung up on that. To me, that is what independence means. We are going to call it without fear about who is going to be angry, or upset, or alternatively joyous or happy about something we do. We just can't go down that road.

So my commitment to my focus, as was stated I think very clearly to you and the rest of the Judiciary Committee when President Trump nominated me, was that we are going to focus on doing the work in the right way. We may not get the results that people want in this case or that case, but I will do my best, and I have continued to do my very best, to make sure we do our work in the right way.

Senator COONS. I appreciate that. We have known each other a long time, and I respect the way you conduct yourself, as Director.

We have recently gone through an important process around FISA Reauthorization, in your both written and spoken testimony, you said that the FBI is principally focused on the protection of the American people from terrorism, both domestic and international, this is a top priority, and there are significant threats. And I think that there were some significant reforms codified in the reauthorization of section 702, and the surveillance authorities. I would be interested in hearing what you are doing to implement them to ensure that the civil liberties of the American people are protected, under your directorship and any potential successor? And how you strike that balance appropriately given the urgency of also protecting the American people from terrorism?

Director WRAY. So as you know the law that was passed recently, as the most significant rewrite of FISA since—I think since its passage, and there were not—there was no kind of on-ramp period, so we implemented it, you know, sort of day one even though there weren't resources that were provided to do it, and even though it came in an environment as I have already testified where we are dealing with effectively a $500 million cut.

But we are going to comply with all the requirements. They are resource intensive in their own way, because you are talking about pre-approval requirements for one thing, prohibition on certain queries, again that have to be detected and audited, like one of the things that I did even before the law passed, is I created an Office of Internal Audit at the FBI, which did not previously exist, whose sole focus was on FISA compliance.

And we achieved great strides in FISA compliance, as is confirmed by the—independently by the court. But it is a significant change in how we operate, and my message to the troops is two-

fold: one, you have got to make sure you are doing it in the right way, and number two, given how critical this tool is to protecting the American people from foreign threats, terrorists, China, Russia, Iran, North Korea, cyber, especially foreign cyber, we need to make sure that we are using it in the way that Congress and I think the American people expect us to do to protect them because it is an indispensable tool. I don't use words like "indispensable" often; it is indispensable.

Senator COONS. Well, thank you, and it is a 2-year reauthorization, and I intend to follow it closely as we reconsider it 2 years from now. As you know, I have long been concerned about intellectual property theft. Senator Hatch and I passed the Defend Trade Secrets Act, I think back in 2016, and one of the areas that I think is an important priority for us nationally, is to protect American invention and innovation, particularly from the CCP, because they intend to be a peer competitor or to exceed our capabilities, largely by stealing our innovations in areas like artificial intelligence, and precision biology, and other areas.

What are you doing to address threats to American innovation, and how would the additional resources you are seeking for fiscal year 2025 bolster those efforts?

Director WRAY. So first off, we are laser-focused on our adversaries' efforts to steal American intellectual property, and there is no country, I have been consistent on this for, I think since early in my tenure, and maybe even in 2017 itself, there is no country that presents a broader, more severe, more comprehensive threat to our economic security, our ideas, our innovation, ultimately our freedom, than the Chinese Government.

I want to be clear, I am talking about the Chinese Government, not the Chinese people and certainly not Chinese-Americans, and what makes the threat from the PRC so pernicious is that they combined multiple tools. So everything from: human efforts, whether it is traditional intelligence officers, co-optees, corrupted insiders, et cetera, with a cyber program that dwarfs, that dwarfs anybody else's, combined with what would otherwise be legitimate business activity, joint ventures, different kinds of mergers and acquisitions, partnerships that are in effect just a vehicle to enable the other stuff. So you put all those avenues together, it becomes particularly challenging.

We have north of or around 2,000 active investigations that are just into the PRC's efforts to steal our information at technology. It is up like 1300 percent from where it was not that long ago, all 56 field offices. So from an investigation perspective, we are incredibly active, and the resources are indispensable to do that.

But investigations alone aren't enough. We are much more engaged over the last several years with the business community, trying to work with them so that they can figure out how better to harden their—because they are the attack surface. So there is a lot of outreach.

Cyber.—The Chinese cyber effort is gigantic. If you took all of the FBI's cyber resources and said, forget Russia, forget Iran, forget ransomware, just do nothing but China, the Chinese Government's hacking program would dwarf ours 50 to 1.

So the idea that Congress would set us back instead of launching forward on that boggles my mind. And so I would implore—and I know this subcommittee has been a great ally on this stuff, but I would implore Congress, more broadly, to make sure that we don't do that, because I can guarantee you the Chinese government ain't cutting its budget.

Senator COONS. Well, thank you, Director Wray. I am the chair of the Intellectual Property Subcommittee, Senator Tillis and I, have a number of pieces of legislation we are trying to advance to strengthen the tools to protect our IP, but you also need the resources.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Coons. Senator Murkowski.

Senator MURKOWSKI. Thank you, Madam Chair.

Director, welcome to the Committee. Thank you for your leadership. Talking about fentanyl just for a moment; Alaska continues to outpace the other States, unfortunately, this is a position and place that we would never ever want to be. Between 2022 and 2023, we saw the largest percent increase in drug overdose of any State, by far. We are referred to, and I quote, "One of fentanyl's deadliest frontiers".

Just from last year, the drug overdoses increased by 40 percent from 2022 to 2023, fiscal year 2022 to 2023, and of these overdoses, three-quarters were from fentanyl. And so we are seeing our cities under attack. But even more troubling is the very, very remote small, oftentimes Alaskan Native villages, villages of 800 people, where the cartels, those who are moving these drugs, know that they can get ten times more for this poison than anywhere else. And so they are targeting our smallest of small communities.

So we are seeing this, this awful increase. And yet, if we look at what is happening in other areas, many States have seen reductions in overdose death rates during this same period. What are they—what are you doing there that is allowing for greater levels of success? What are the obstacles to doing the same in places like Alaska? It was somewhat gratifying to see a recent announcement that the U.S. Attorney's Office there in Alaska had announced new charges against this ring where there had been 53 defendants named.

Now, there are additional charges. This is good. This is positive, but we are looking at what we are up against. And we are a State where the stuff is coming in by air, it is coming in a little bit by vessel, that and the mails. So we know where the points of entry are. And we are still not able to do the interdiction that is making a difference to turn this around.

Have you got any words that you can share with people who are really very, very anxious about what we are seeing with fentanyl?

Director WRAY. Well, certainly I am acutely aware of what a big problem it is up there, and some of the challenges that law enforcement in your home State have to contend with. I have been up to visit, as you know, a couple of times.

Senator MURKOWSKI. And we appreciate you visiting.

Director WRAY. And on one of them in particular, the Alaska State Troopers, with whom we have a great relationship, took me

up in a helicopter to be able to kind of get a better sense of just the sheer sprawl and remoteness of some of the communities that you are talking about. We are working through the Alaska High-Intensity Drug Trafficking Area Initiative, and that is a big part of it, not just on the investigations, enhancing those, but promoting interagency partnerships, increasing awareness.

Part of that effort, in addition to big cases, like the 53-person one you mentioned, and the seizures that came with that, is to try to make sure that people, including in some of these more remote communities, kind of know what behaviors to be on the lookout for, how to report, who to report it to, that kind of thing.

You mentioned some of the reduction in overdose deaths and that you are seeing in some other States. The one thing I would say about that is that overdose deaths, as a metric for progress I think is in some ways frustratingly misleading, because first response is getting so much better in some States. So that what you are having is, the same—you might have the same or maybe even more overdoses. But because there is wider availability, faster availability of Narcan, the people who were overdosing who before would have died, aren't dying.

And so it has the pernicious effect of making people feel like they are making more of a dent in the problem than they are. Don't get me wrong, it is great that the people aren't dying, and it is great that there is emergency care to keep them alive. But overdose deaths in some other State may not be as successful as it might appear to you by comparison.

Senator MURKOWSKI. And I absolutely get your point, and what we need to be doing is basically choking the poison off in the first place so it doesn't get to my State, or any others. I am out of time here, but I want to ask one final question here. And this relates to the Not Invisible Act Commission, this is related to Missing and Murdered Indigenous Peoples. They got their report to Congress and the Federal agencies back in November of last year.

It recommends that law enforcement, including FBI, are trained in MMIP, violence, crime, and human trafficking, coordinate with BIA, and all of that. And I am hoping that we have got some good progress that is being made by the FBI in implementing the provisions of this report.

The concern that I have here is, I just mentioned the fentanyl crisis in the State, we have got a stepped-up initiative that we must do when it comes to those vulnerable people, missing, murdered, and particularly our indigenous women, but we have got one field office in Alaska for the FBI. We have two satellite offices, one in Fairbanks and one in Juneau.

Do you think that that is sufficient resourcing to cover a State, that you have acknowledged is huge, it is one-fifth the size of the rest of the country. But to be dealing with these issues that are impacting us in disproportionate ways, do we need more resources up north?

Director WRAY. We clearly need more resources, although I will tell you we need more resources just across the board. And that the—I say sometimes, but it applies very much to this context. Everywhere I go somebody has a really good, and I don't mean that

sarcastically, a really good idea of someplace the FBI needs to be devoting more resources. And I have——

Senator MURKOWSKI. And I must confess——

Director WRAY [continuing]. Not yet found anybody who can tell me in any responsible way where the FBI can be devoting fewer resources.

And so, this is a time for Congress to lean forward in this next appropriation. I am very aware of both how small our field office at the Anchorage Division, which as you say, includes not just the Headquarters, say, in Anchorage, but the other two RAs as well, by comparison to just the sheer immense area that they have to cover.

And it always strikes me every time I am talking with them about the challenges that that presents. It is not just the sprawl, but how few roads there are, and how that people have to get around, and all the things that does to complicate law enforcement work in that area. So Anchorage needs more resources, but the FBI needs more resources.

Senator MURKOWSKI. The FBI needs more resources. The question that I didn't ask you was about the northern border and what we are seeing with those on the terrorist watch list coming through, because we are anxious about that. So we have got all kinds of issues and again, how we are resourcing, regardless of where it is, is a challenge.

So thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Murkowski. Senator Capito.

Senator CAPITO. Thank you, Madam Chair, and Ranking Member. And thank you, Director Wray, for being here with us. It looks like I might be your cleanup batter here, so that might be good.

I want to go to something that Senator Murkowski was talking about, she talked about her State. You are well aware of West Virginia, unfortunately, leading the way, and our numbers went up a little bit over the last year, which was very discouraging because we have a lot of communities, and community involvement. And the FBI has been involved with this on the law enforcement side but all kinds of issues to try to lower those numbers. So it was a bit disappointing to us.

But I want to ask what the FBI—the drug cartels, the transnational criminal organizations that see along our southern borders, mostly, I would imagine, what kind of additional resources, or different strategies can the FBI employ, because obviously fentanyl is still coming streaming across the southern border. They are obviously pressing a lot of the pills as they—before they come over, that the whole thing with the chemicals coming from China. What are you seeing in this in terms of targeting the transcontinental criminal organizations?

Director WRAY. So certainly, the vast majority of the fentanyl in this country comes from the cartels in Mexico, sourced from precursor chemicals from China.

Senator CAPITO. Right.

Director WRAY. And then is trafficked here, or distributed here primarily by violent gangs. And so I think to be effective against the threat, which is really an epidemic, we need to be trying to hit

all of those different choke points. The FBI plays a role, some role in almost all of them, but not uniquely. This is way bigger than any one government agency. Frankly, it is bigger than Government itself.

So we are, through our Safe Streets Task Forces, going out after the gangs that are distributing this stuff on the streets. We are through our Transnational Organized Crime Task Forces and working on OCDETF, Strike Forces going after the cartels, and the cartel leadership, which are the source of supply.

We are trying to push, in our own way, the Mexicans, and we do have good relationships with our Mexican law enforcement counterparts. But, this sort of onsie-twosie effect of a great extradition here, a takedown there, those are things to be celebrated, but they really aren't enough to affect the problem at scale.

Senator CAPITO. Um-hum. To make it——

Director WRAY. And then the China piece, the precursor chemicals, is a huge part as well. One of the things we are trying to do now, and I am very pleased about this, the Director of National Intelligence, Avril Haines, has convened and we have been doing an Intelligence Community Sprint on the fentanyl problem, to try to figure out how we can better ensure sharing of information between the different intelligence agencies who are not law enforcement, and law enforcement to have the information flowing.

We clearly have to go after the money. After all, this whole thing is profit-based, right?

Senator CAPITO. Right.

Director WRAY. So we need to figure out better ways to go after the money. So some of those are some of the things that need to be done, but it is incredibly frustrating. I know that our offices in West Virginia who are dealing with, as you say, on the receiving end of so much of this problem, and I continue to be blown away, frankly, by how high-performing those offices, some of the takedowns they have had——

Senator CAPITO. Yes, they have.

Director WRAY [continuing]. In West Virginia, for you know, comparatively small footprint, is really something that is inspiring.

Senator CAPITO. I guess that is a plus and a minus. The minus being they are there, the plus being they are being disrupted and caught. So that is congratulations to them. I know there is been some big busts.

I want to ask you about the NICS system, because the question I have is, and thank you for the visit, and I thought it was a really good visit, I am trying to understand your budget where you have a technical adjustment of $43 million proposed in your budget regarding implementation of the Bipartisan Safer Communities Act. We are being told that this could impact the 170 people that are at the NICS facility that are working in that. How is that going? And can you explain a little bit the anomaly that you have here, as one of the program changes for 2025?

So there, I can see why it is confusing a little bit. There is two things going on. One is the 170 positions that Congress gave us with BSCA——

Senator CAPITO. Right.

Director WRAY [continuing]. Was one-time funding. And so, one of our requests, which I think is $43 million tied to the 170 positions, is designed to make sure that one-time funding, because we have largely filled almost all of those 170 positions, if we don't get that reappropriated, that is gone. So that is incredibly important that we get those 170 positions and that $43 million reauthorized. So that is part of it.

Then on top of that, though, because of the pace and the volume, we have asked for a smaller but nonetheless an enhancement. So the bottom line is, restore the—well, not "restore", but maintain——

Senator CAPITO. Maintain the 170?

Director WRAY [continuing]. The 170, which was one-time only.

Senator CAPITO. And then add?

Director WRAY. And then add a little bit with the enhancement that we have asked for.

Senator CAPITO. Some of this—and I will stop here—but the statistics that we—this was early on when the bipartisan bill was being discussed at NICS, there had been some disruptions where the information showed that if you knew what had happened pre-18-years-old, you would have fallen into that category, and there were disruptions where people were unable to secure a weapon, and because of mental health, or whatever. Is that continuing? I mean, is that trend continuing, if it is disrupting, or?

Director WRAY. We are definitely seeing that. I am struck by the number of times when we have that, you know, because there is the mental health piece, there is the juvenile piece, then there is the contact with law enforcement about the individual piece, and the number of times when the conversation, the exchange with law enforcement and whatever State it is, is saying: Whoa.

Senator CAPITO. Yes.

Director WRAY. We know who that is. And that would not be a good thing. We have significantly improved the timeliness of those, you know, you and I were there.

Senator CAPITO. Yes, that was supposed—yes.

Director WRAY. It is still kind of a work in progress, but it is—I think it is up like tenfold how much faster it is happening, which is great. But part of the reason we asked for the enhancement on top of the original part is that, because of course we are going to conduct the congressionally mandated checks, but the——

Senator CAPITO. We need more resources, yes.

Director WRAY [continuing]. We are very proud, as you know, and as I know you are, of how quickly NICS can turn things around, so that the giant majority of people who are law-abiding citizens——

Senator CAPITO. And who can prove quickly——

Director WRAY [continuing]. Who have a Second Amendment right to buy their weapon can get it timely and not have it be held up. But the problem, if we don't get the funds appropriated is it is going to have an impact on how much we can cover and how fast we can cover it.

Senator CAPITO. Yes, I mean just for context I saw that the statistics that came that I have, just last data point is in 2023 there were 29 million NICS firearm background checks in the country,

that go through the office in West Virginia. So thank you very much.

Senator SHAHEEN. Thank you, Senator Capito.

I have not yet asked questions, so I will do that. And then I know Senator Moran has one more question.

But I wanted to go back to the issue of disinformation and election security. You talked about China having a 50 to 1 cyber advantage in terms of their cyber operations. We saw before the New Hampshire Primary earlier this year a domestic actor who used artificial intelligence to voice clone President Biden and target voters in New Hampshire, as part of a robocall scam.

How are we responding? I mean, this was a domestic issue, but it points to the potential challenges from AI, and the threat that that can present to our elections. So how are we responding to what we are already seeing from Russia and China in terms of the disinformation? And how are we sharing—how is the FBI sharing what you know with local law enforcement and election officials so that everybody is aware of what the threat is?

Director WRAY. So we are, of course, seeing, and I have been warning about this for some time, the role of AI to enhance efforts that our foreign adversaries have already been engaged in. And one way to think of that is just like social media when it first really came of age was this gigantic bullhorn that took something that has been happening for decades, namely Foreign Disinformation Warfare and just scaled it in a way that was particularly challenging.

I think that is the right way to think about AI, it is not that it changes fundamentally what it is our adversaries want to do, or why we need to be worried about or what authorities the FBI has, and our role in combating it, is it allows them to amplify to do it, to make it more sophisticated, more deceptive, cheaper, faster, all the reasons people love AI for good things they can use for bad things.

And so our approach is in many ways much the same, which is to make sure that we are engaging with our partners, sharing what we are seeing, and hearing, where we have authorities that apply to us, taking action. But information sharing is the key. I will say that when it comes to AI, specifically, there is an increasingly important role for the private sector, because if you are going to detect AI at scale, certainly it is going to be the American private sector that is going to be the key to doing that.

So we are trying to partner up with the business community to make sure that they are doing their part on that, because AI is actually pretty good at detecting AI. And there is a role America leads the world in AI innovation, which is why the Chinese are trying to steal it by the way. And that is why we need to make sure that American companies are using their innovation to help protect our democracy.

Senator SHAHEEN. So is there more that we should be doing in Congress to make it in the interest of some of those companies that they do a better job of policing what is on their sites?

Director WRAY. Well, that is probably a longer discussion for another day. I will just say for right now, because this is important, and I know it is something you both care about, when it comes to

these companies there is this broader phenomenon of how important it is for them to take some kind of ownership for the way in which their products and services are used.

And that applies not just in this context but in sub in a subject that you will hear about from law enforcement not just all over this country, but all over the world, is the way in which these companies are implementing warrant-proof encryption, which basically means that child predators, terrorists, fentanyl traffickers, et cetera, can find a space where they can go and communicate and act, and law enforcement, no matter how Rock Solid your legal process is, and how independent the judicial approval is, won't be able to have access to this information.

The threats won't be gone, the kids will still be victimized, the predators will still be out there, but now the companies knowing that this is happening are moving in this direction, so it is a business decision that these companies are making.

And so I don't think it is unreasonable for us to expect these companies to take some ownership of this process and if we don't do something, collectively, as a country we are going to wake up and find that we are blind in a way that is really going to put people's lives at risk.

Senator SHAHEEN. Well, that is an excellent segue into my next question, which is we are hearing about a new and growing threat where individuals have been using content manipulation, so AI, to create sexually explicit photos and videos that appear to be real, it complicates investigations because it is difficult to tell what is real and what is not.

So I know that the FBI has released a public service announcement earlier this year warning about this. But can you talk about how we are also asking private companies to look at that issue, and do a better job of policing what is on their sites?

Director WRAY. Certainly, we share your concern about online targeting of kids, it has not just magnified the problem, but it has created a whole new set of actors and globalized the problem, so you have financially motivated extortion for example which has started to get more notoriety. And AI is just one more tool, a weapon in that context to enhance those efforts. But while the technology may change whether it is AI-generated or not, child sexual abuse material is illegal, and we are going to aggressively go after it.

I would like to continue to work more and more closely with companies to try to see how they can be part of the solution. And I think there is a lot of opportunity for that.

Our folks in that program, the Violent Crimes against Children Program, are some of the hardest working people in the entire FBI, dealing with some of the worst that humanity has to offer. And I think we, last year, had something like 3,000 arrests, and rescued, for all intents and purposes, something like 700 kids.

So again I come back to the budget discussion, what is going to happen to those kids if Congress makes the mistake of going backwards like they did in 2024 with the budget?

Senator SHAHEEN. I think you won't get any argument from Senator Moran or me about that. I just want to close with one question, a final question, and that has to do with anomalous health in-

cidents, also known as Havana Syndrome, because the FBI has been one of those agencies that has been working to establish policies and procedures to provide help for people who are affected.

Can you give us any kind of an update on where you are in that process, and whether people are beginning to see support that they had hoped for, for treatment?

Director WRAY. So as you know there is nothing more important to me than the health and safety of my workforce and their families, and the benefits provided for, required DOJ to issue regulations to allow us to start to make the payments. I am pleased that those regulations finally went into effect last month, May 20, we didn't sit around just waiting for that though, we put in place all kinds of procedures and mechanisms so that the minute the regulations went into effect, we could kick into high gear and start the payment process.

And so I know we have—I can't give you the exact number—but I know we have people already, because we have been trying to improve our communication with the workforce too about this. So I know that we already have some people whose payment, applications, and so forth, are now already under the rules now in process. And so I am hopeful that it will now flow quickly because we didn't have to then build on additional delay after the time the rules went into effect.

Senator SHAHEEN. Great, thank you. I am pleased to hear that.

Senator Moran.

Senator MORAN. Chair Shaheen, thank you.

Director, just almost every day, certainly every week, I have a conversation with someone in Kansas, or I read something in the newspaper, or hear on television or radio news about a ransomware, a cyber attack. I mean, it is just its prevalence, it is more than prevalent, it is dominant. And it is, you know, a small business, it can be the courthouse, our State's court system, the County Treasurer's Office; what is it that we could be doing, perhaps just as public servants, to try to minimize the chances that somebody is attacked, or that they take the necessary steps to prevent it?

And you talked about the private sector in the conversation with Senator Shaheen, is there a chamber of commerce, a business organization, are there steps that a business can take, a county commission, a city office that can take to prevent this from happening? And are there tools that need to be provided to local law enforcement to assist in this?

I think this is so common, but I don't know how the solution can rest with law enforcement, or the FBI in particular, and my guess is that any kind of effort to prosecute, or to shut down those who are committing the cyber attacks, ends in not a significant amount of results?

Director WRAY. So for all the reasons you said, ransomware is one of our top, certainly one of our top cyber priorities. I think there are a few things I would say, with a glimmer of some good news buried in there. So the first is that we are very heavily engaged in private sector outreach, specifically to try to build resilience and harden the private sector's infrastructure from ransomware attacks.

There are basic things that can be done, you know, for example, in terms of having appropriate backups and things like that. I think you would be surprised to learn how often ransomware attacks are enabled, not by some really sophisticated, you know, black-belt-level intrusion but by somebody somewhere at a business who didn't engage in proper cyber hygiene, you know, they clicked on the link that they shouldn't have clicked on. It happens way more often than you would expect, including in very sophisticated places.

Or the company or the business didn't upload the appropriate, you know, those patches and updates that we all get. And those things matter. So things like that, if every victim or victim-to-be took some of these basic cyber hygiene steps, we wouldn't stop ransomware, I want to be clear, but we would significantly make it harder for ransomware actors to be successful. So that is one. And so the more everybody can help us spread that message, we will build some greater level of resilience that way.

The second thing that is just incredibly important is we need the victims to reach out to us as quickly as possible when they are hit. I think sometimes people are worried because we discourage paying the ransom that if they tell—our position is we don't think you should pay the ransom and we are happy to explain why, but whatever you decide to do make sure you contact us, because there have been times when businesses have contacted us quickly where we are able to help them figure out we have—they have had cases where we have been able to obtain decryption keys so they can get their systems unlocked, protect their information, and not pay the ransom. But that can't happen if they don't contact us.

There are times when we can chase the money with working with the victim, and basically claw back the ransom before it gets to the bad guys, so things like that that we can do, but none of it we can do if the company doesn't contact us right away, that is what is so important. There is lots of things that can happen.

The last part that I would say, is we are starting to figure out, not just the FBI, but collectively with our partners what success against ransomware could look like, and that is joint sequenced operations, campaigns, sustained campaigns against particular ransomware actors, where we go after not just the administrators of the ransomware group and their affiliates, but their whole ecosystems, their money launderers, their service providers, you know, their bulletproof hosters, all that stuff.

So we are going after all the people that are related to the ransomware group, we are going after their infrastructure. So we are seizing their servers, shutting down their domains things like that, so we are going after the people, we are going after the infrastructure, and then of course ransomware is a—you know, is a for-profit crime, we are going after their money, we are chasing their cryptocurrency, which is invariably the way the ransoms are paid. And we are getting better at disrupting the flow of the ransom back to the ransomware actors.

We are not where we need to be, but we are starting to see signs. We have had situations where we will knock down a particular ransomware group, and they are flailing around, and out of business for, you know, months and months at a time. So we started

to get a taste of what success could look like. And it is again, it is a joint—it is a team effort, FBI, some of the other intelligence agencies, foreign law enforcement, the private sector itself, all kind of working together.

And so we have had some successes. I think about the Hive Ransomware group where we had basically hacked the hackers, and gotten into that, and they didn't know we were in, and so they kept trying to conduct ransomware attacks, we kept getting the decryption keys, and providing them to the victims, and then it wasn't working. Eventually we dismantled the whole thing, but we are getting more innovative creative in using court authorized operations, not just to try to arrest people, although we definitely want to do that, but to essentially shut down the operation itself.

Senator MORAN. That is more encouraging than I expected. If someone is subject to ransomware and cyber attack they would call their local police department, their county sheriff, and those local law enforcement officials would know what to do; is that a true statement?

Director WRAY. Would not know?

Senator MORAN. Would know what to do? The local law enforcement knows what the next step is?

Director WRAY. Well, I think we try to engage with local law enforcement as you know, because you have seen it firsthand in Kansas every day. My hope would be that the local law enforcement would tell them contact the local FBI Field Office, but really they should be contacting us, because there are things that we can do that probably the local police chief or sheriff, you know, can't.

But of course, again, I am going to sound repetitive here, all these things take resources, and in particular in the cyber arena, we need to be able to make sure we can pay and train the most sophisticated cyber talent. And that is an issue within the Federal Government to make sure that pay authorities, and of course the funds that are appropriated behind it, are even across the Federal Government, so we don't have a situation, which I am concerned about, where other Federal agencies start cannibalizing each other for the cyber talent that we all need.

So we do need to make sure that there is pay authorities and pay funding to ensure that real black-belt talent who makes all the difference in some of these cases, is kept.

Senator MORAN. The FBI will have those pay authorities? Do you have those pay authorities?

Director WRAY. Our authorities are not where they need to be, so it is a combination of both the funding and the authorities. It is a mix.

Senator MORAN. And I wonder if insurance, private insurance is a component of addressing this problem, more businesses or entities that get insured against a ransomware attack, I assume the insurance companies then are going to insist on different behavior by their insured.

Director WRAY. I do think insurance, you know, cyber insurance is an important part of all this. Now, I will say we see ransomware actors researching victims and researching insurance to try to figure out, you know, it is kind of like: Well I want to figure out how much they have in their wallet before I rob them, you know, kind

of thing. So there is a little bit of that going on. But I would not discourage people from getting the insurance.

And we do have our own engagements with the cyber insurers as well to try to make sure we are working with them so that is another important piece to all this.

Senator MORAN. I would compliment you on your capability of being repetitive today. Thank you.

Senator SHAHEEN. Thank you. We got the message. Thank you, Director Wray.

ADDITIONAL COMMITTEE QUESTIONS

If there are no further questions, Senators may submit any additional questions for the subcommittee's official hearing record until June the 11th. We would ask that the FBI respond within 30 days to any of those future questions.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

No questions were submitted for the record.

CONCLUSION OF HEARINGS

Senator SHAHEEN. And now, the subcommittee stands in recess subject to the call of the chair. Thank you.

[Whereupon, at 4:49 p.m., Tuesday, June 4, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF ALL RISE

Chair Shaheen, Ranking Member Moran, and distinguished members of the subcommittee, I am honored to have the opportunity to submit my testimony on behalf of All Rise, the training, membership, and advocacy organization for justice system innovation addressing substance use and mental health at every intercept point. Given our country's ongoing substance use disorder crisis and fentanyl overdose deaths, I request that Congress provide funding of $95 million for the Drug Court Discretionary Grant Program and $35 million for the Veterans Treatment Court Grant Program at the Department of Justice for fiscal year 2025.

My name is Trevor Jacobs, and I am a proud husband, stepfather, small business owner, counselor, and government employee. I am also a grateful drug court graduate who will celebrate 16 years in recovery this summer.

My life looked very different back in 2007. I was in active addiction, with little hope of change. In high school, I had no desire to use drugs, even when I was offered the opportunity. But in my thirties, a few doses of Oxycontin that I thought would be harmless turned into a $100-a-day habit that I supported by stealing and forging checks. My life spiraled out of control, and soon, I was facing felony charges.

The trajectory of my life balanced on one question my attorney asked me: "Do you want to beat the charges, or do you want to get better?" I wanted to get better. But all my past efforts to do so had failed. I had tried treatment multiple times, but recovery never stuck because I had no accountability. Luckily, my family never lost hope in me, and neither did the drug court team. That program is what finally made the difference in my life.

Drug court was initially intimidating. It was much harder than I expected it would be. The court held me accountable in a way I'd never been before, balancing toughness with support and encouragement. Judge Childers had high standards for her court's participants—but she was also fair. And I had a whole team behind me; not just the judge, but the attorneys, probation, law enforcement, treatment providers—everyone was on my side.

Participation in drug court also includes giving back to the community. Distributing food boxes, raising money for Relay for Life, and picking up trash in public spaces were just a few ways I gave back to my community through the program. Service like this helps those in recovery take pride in themselves and it is something I continue to do to support my own recovery.

Drug court helped me find sustained, long-term recovery—I've been sober since August 2008 and graduated from the program in 2009. Thanks to the drug court team, I was able to mend my relationships and focus on my family again. I became a SAMHSA-certified peer recovery support specialist, and for a number of years, I worked in the very same drug court that saved my life. In 2016, I married my wife Tonya and gained not only a life partner, but a whole family through the blessing

of her—now our—three kids. I currently work for the county housing authority, managing 81 households, and have a small food truck business on the side with my wife. My life in recovery has allowed me to reconnect with my passion for woodworking and put me in a position to help others who are struggling. After 16 years, it feels good to say that now I have been a strong asset to my community for longer than I was in active addiction.

I am just one example of how funding treatment courts, like drug courts and veterans treatment courts, not only helps one person, but uplifts a whole community. Drug courts offer a ripple effect of hope. Support from the Department of Justice has helped start thousands of courts over the years, while ensuring they follow evidence-based standards that maintain fidelity to the proper model. The largest and most comprehensive, independent, multi-site study to date found that drug courts reduce crime by up to 58% and save, on average, up to $6,000 per participant. Additional benefits were found to include increases in employment, education, family functioning, and financial stability.

Drug courts and veterans treatment courts are vitally important as our Nation continues to battle the addiction crisis and its impact on communities like mine around the country. Investment in these programs helps State and local leaders increase their capacity to address the crisis from a public safety and public health standpoint. This funding will help thousands of individuals break the cycle of crime and addiction, begin a life in recovery, and become productive members of their communities.

I strongly urge this committee to recommend $95 million for the Drug Court Discretionary Grant Program and $35 million for the Veterans Treatment Court Grant Program at the Department of Justice for fiscal year 2025, so these programs can continue help people break cycles, find long- term recovery, and become healthy members of their communities.

PREPARED STATEMENT OF AMERICAN BAR ASSOCIATION

Chair Shaheen & Ranking Member Moran:

My name is Mary Smith, and I am the President of the American Bar Association (ABA), the world's largest voluntary association of attorneys and legal professionals. Thank you for the opportunity to submit this statement to the Senate Appropriations subcommittee on Commerce, Justice, Science & Related Agencies (CJS), in support of increased funding for the Legal Services Corporation (LSC) in the Fiscal Year 2025 ("FY2025") budget.

I would like to begin by thanking you, Chair Shaheen and Ranking Member Moran and the other subcommittee members, for your continuing support of civil legal aid programs around the Nation and for giving us an opportunity to discuss the legal services that LSC-funded programs provide to low-income Americans. A part of my testimony will summarize the Corporation's report that contains information on the "justice gap," an urgent and complex challenge to our Nation and its promise of ensuring equal access to justice for all.

For fifty years, LSC has funded legal aid attorneys to deliver critically important civil legal aid, which today benefits more than 1.8 million low-income Americans in every State and territory throughout the country. The demand for these services, however, continues to exceed the resources appropriated to LSC by a wide margin. To protect the promise of "Equal Justice Under Law"-the foundational principle that underpins the U.S. legal system-the ABA urges Congress to significantly increase Federal funding to LSC to close the justice gap in our Nation.

THE ABA HAS A LONG HISTORY OF SUPPORT FOR NATIONWIDE LEGAL AID

The ABA has been an outspoken advocate for the Nationwide availability of civil legal aid for over 100 years. In 1920, under the leadership of future United States Supreme Court Chief Justice Charles Evans Hughes, the ABA created what is now known as the ABA Standing Committee on Legal Aid and Indigent Defense (SCLAID), which, since its inception, has advocated for the establishment of civil legal aid services to the poor throughout the country.[1] In 1965, this advocacy took a significant step forward when another future United States Supreme Court Justice, Lewis F. Powell, in his role as ABA President, led the ABA to formally support the creation of the first federally-funded Legal Services Program (LSP). The ABA and SCLAID were steadfast supporters of LSP but recognized the need for the creation of a new independent entity to administer Federal funding for legal aid serv-

[1] https://www.americanbar.org/groups/legal__aid__indigent__defense/.

ices nationwide. To that end, the ABA advocated for the enactment of the Legal Services Corporation Act of 1974,[2] that created the Legal Services Corporation.

CURRENT FUNDING FOR LSC FALLS FAR SHORT OF DEMAND FOR SERVICES

The ABA has supported robust funding for LSC throughout its fifty-year history because of its critically important mission to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel.[3] This funding, however, has not kept up with the high demand for civil legal aid services. Accordingly, LSC has requested $1.797 billion for FY2025; by comparison, the FY2024 LSC appropriation was $560 million. While the current request represents a significant increase, this increase is necessary for LSC to fulfill its mission and is in line with historical funding for LSC. For instance, LSC's FY 1980 appropriation was $1.13 billion in 2024 dollars, at a time when the United States population was 110 million fewer than today.

As thoroughly documented in LSC's 2022 study, The Justice Gap: *The Unmet Civil Legal Needs of Low-Income Americans* (The Justice Gap), the Nationwide need for civil legal aid continues to grow, accelerated in recent years by the COVID–19 pandemic and its lingering long-term effects on society. Nearly 50 million Americans-16.3% of the population-currently qualify for legal assistance from LSC-funded programs. This includes more than 15 million children and nearly 8 million seniors. This year, nearly three-quarters of low-income households will experience at least one civil legal problem that will substantially affect their lives, and yet 92% of low-income Americans will be unable to obtain adequate legal assistance or, in fact, not have access to a lawyer at all. At the current funding level, LSC grantees can serve only about 1.8 million low-income clients per year; the same number will be turned away due to lack of resources. This includes one million children in poverty, 1.1 million individuals and families facing eviction, 140,000 veterans, and 550,000 victims of domestic violence, all of whom, when seeking desperately needed legal aid, will not be able to receive it from an LSC grantee solely due to inadequate funding. Another nearly 18 million other low-income people will not even seek legal help and simply forego the legal assistance they need because they know they cannot afford a lawyer. The result is that only 28% of low-income Americans believe that our Nation's legal system is fair, which deeply undermines the fundamental principle of "Equal Justice Under Law."

ROBUST LSC FUNDING IS NECESSARY TO PROVIDE REPRESENTATIONAL EQUITY IN THE JUSTICE SYSTEM

Our system of justice promises every citizen that the rule of law will be applied impartially and equally regardless of circumstance, national origin, gender, skin color, creed, wealth, or other factors. But our civil justice system is simply not designed for those without legal help. The law is a complex web of technical terms and procedures that can be exceedingly difficult for the average person to understand. Assistance from a legal professional is a necessity for even seemingly routine matters, but millions of Americans lack the resources to afford counsel even as they seek to protect their most basic and fundamental rights. Legal aid attorneys funded by LSC ensure that low-income litigants enter court on a level playing field with the opposing party and have the best possible opportunity to receive due process and a fair outcome.

LSC FUNDING MUST BE INCREASED TO ADDRESS GROWING LEGAL PROBLEMS AFFECTING THE DISADVANTAGED AND VULNERABLE

Case closing data from LSC grantees in the past few years illustrate the dramatic impact of the COVID–19 pandemic on the demand for legal aid. While the aftereffects of the pandemic have been felt in every community throughout America, the brunt of this disaster has been absorbed by low-income Americans.

—*Housing and Eviction.*—Case closing data from LSC documents a 55% increase in housing and eviction cases between 2020 and 2022. These issues are driven by a lack of affordable housing and exacerbated by rising rental costs nationwide. Despite the work done by legal aid programs across the country to address the housing and rental crisis, 97% of tenants facing eviction still lack legal representation at eviction hearings. Increased LSC funding to address this crisis will not only ensure that more families have a fair opportunity to retain housing and avoid homelessness, but it will also prevent landlord-tenant issues

[2] https://www.congress.gov/bill/93rd-congress/house-bill/7824/text/pl?overview=closed.
[3] https://www.lsc.gov/about-lsc/what-we-do.

from snowballing into other legal problems for these households. The Justice Gap found that low-income households who have the burden of high-cost housing or the threat of eviction tend to also have higher incidences of other types of civil legal problems than those who do not.

—*Domestic Violence.*—Low-income women experience higher rates of domestic violence than those in higher-income quartiles, and reported cases of domestic violence have been consistently on the increase over the past decade, rising even more dramatically since the onset of the pandemic. LSC grantees report serving these types of cases at a rate 54% higher today than 10 years ago: one out of every five cases closed by an LSC grantee now involves domestic violence. Increasing LSC funding to provide more representation to domestic violence victims will have a real and quantifiable effect. When domestic violence victims have legal representation, their success rate in obtaining legal orders of protection is 83%. Without an attorney, that rate plummets to 32%. More funding for legal aid representation is critically important for protection and harm prevention to domestic violence victims, which often includes children affected by that violence.

—*Addiction.*—The nation has experienced an explosion in opioid abuse rates and resulting deaths, again growing substantially since the pandemic. Over three million Americans have, or have experienced, opioid use disorder, and more than 112,000 have died from drug overdoses in the 12 months ending in May 2023. It should be no surprise that opioid addiction leads directly to a number of other civil legal problems, such as housing insecurity, debt issues, and domestic violence. Limited LSC funding has been available for grantees to stand up projects to address this epidemic in the hardest-hit jurisdictions, but much more funding is necessary to replicate the successes of these projects across the country to help families recover from the devastating effects of this ongoing crisis.

—*Disabilities.*—Low-income Americans tend to be disproportionately impacted by disabilities: More than 10.7 million disabled persons live in poverty, 33% of people aged 65 and older have at least one disability, and 25% of children in poverty have a disability. Of those disabled persons living in poverty, over 500,000 of those are veterans, and in 2022, 28% of disabled veterans experienced homelessness. The Justice Gap finds that 91% of all disabled persons having civil legal issues do not get the necessary legal help they require.

LSC FUNDING IS CRITICAL TO FILLING NATIONWIDE GAPS IN THE AVAILABILITY OF CIVIL LEGAL AID

Federal funding for legal aid through LSC has had a significant impact in addressing the lack of available legal aid lawyers in many parts of the country where other forms of funding to provide these lawyers are not otherwise available. Nonetheless, significantly increased LSC funding is still necessary to close this justice gap affecting millions of low-income Americans.

The ABA conducted its first nationwide survey of civil legal aid attorneys in 2023 as a part of its annual Profile of the Legal Profession report. The unambiguous findings of this exhaustive survey demonstrate that during a time when the demand for legal aid services is rising, there are nowhere near enough legal aid lawyers to provide necessary services. Even though there are 1.3 million lawyers in the U.S., only about 10,000 of these are paid civil legal aid lawyers, or, in other words, there are only about three legal aid lawyers for every 10,000 people in poverty. Even more significantly, the survey found vast disparities among the States in the number of legal aid attorneys within those States. Regardless of the average number of legal aid attorneys per State, their distribution within any given state is often uneven, with higher numbers found in urban areas and few, if any, in rural communities.

This situation is a direct consequence of the wide variation in funding provided for legal aid at the state level. The ABArray Legal Aid Funding Report, issued annually by SCLAID, has nearly 20 years of legal aid funding data collected nationwide that clearly demonstrates that, while some States prioritize funding of legal aid services through a variety of sources, other States fail to provide much-if anything-in the way of State-based legal aid funding.

Federal funding through LSC is the only way to directly address this imbalance in available legal aid among the States. There are LSC grantee attorneys in every congressional district in the Nation, sometimes resulting in a situation where there may be only one legal aid attorney working within a vast, rural service area. While Federal funding may ensure at least some kind of legal aid presence across every district, there are simply not enough legal aid attorneys available as one attorney cannot possibly meet the needs of a potential client population of 10,000.

CONCLUSION

In order to effectuate equal justice under law, every low-income American facing a civil legal problem who is unable to afford a private attorney would have access to adequate and appropriate legal aid assistance. The ABA acknowledges that fiscal constraints and other legislative considerations make the level of funding necessary to achieve that goal a challenging prospect. Despite the difficulty, this remains a worthy goal that Congress should aspire to achieve, as the foregoing demonstrates.

We thank this subcommittee for its commitment and historical support for increased funding for LSC to help protect the rights of low-income Americans, and we urge Congress to support a significant increase in LSC's FY2025 funding to help uphold America's pledge to every citizen that they can access equal justice under the law.

[This statement was submitted by Mary Smith, President.]

PREPARED STATEMENT OF THE AMERICAN FOREIGN SERVICE ASSOCIATION (AFSA)

Congress's continued efforts to support the role of commercial diplomacy are of great importance to AFSA's nearly 17,000 members, who are dedicated diplomats on the front lines of our Nation's security and prosperity. As you begin your work on the Fiscal Year (FY) 2025 Commerce, Justice, Science, and Related Agencies appropriations bill, AFSA respectfully requests that Congress provide robust funding for the International Trade Administration's (ITA) Foreign Commercial Service (FCS)—a part of Global Markets within the U.S. Department of Commerce. Specifically, AFSA requests funding of at least $775 million to make the mission-critical investments in Global Markets, which will pay dividends for the U.S. economy and America's foreign policy priorities.

Located in 80 strategically selected countries, 240 FCS Foreign Service officers engage in commercial diplomacy to reduce barriers to foreign markets, win foreign government procurements for U.S. companies, and attract investment into the United States. Commercial diplomats and their dedicated teams have brought more than $200 billion in investment, bolstering domestic industries of strategic importance, such as critical technologies and clean energy, thereby creating over 200,000 American jobs, and increasing national supply chain resiliency. Additionally, the Foreign Commercial Service helps U.S. companies compete against foreign firms to win foreign government contracts, helping American businesses grow globally. Commercial diplomats have also successfully advocated for over $787 billion in U.S. exports which has supported approximately 4 million U.S. jobs. These are Federal programs that work directly to grow the economy, support U.S. businesses, and create American jobs. However, this can only happen with sufficient funding.

With this testimony, AFSA wanted to bring to your attention budgetary concerns that are negatively affecting our members and their safety and security. While the budget for Global Markets has remained relatively flatlined in recent years, expenses beyond the Agency's control have vastly increased. AFSA recently conducted a survey to see how budget challenges are impacting FCS officers serving overseas. The results were shocking as members cited 30%+ reductions in staffing, 100%+ increase in demand for services, and a lack of strategic organizational direction. This has led to a decline in the physical and mental of health of our members, and an inability to effectively compete against the People's Republic of China (PRC), which has 10 times the number of officers in some markets than the United States. Select survey results are below:

—96% of officers indicated that budget constraints have impacted their ability to perform their primary duties.
—96% of officers indicated that budget constraints have negatively impacted team morale at their post.
—93% believe that the budget cuts have led to a decline in the quality of the organization's impact.
—56% of America's commercial diplomats are considering leaving the service due to budgetary constraints.
—Basic training, including tradecraft and security, is no longer offered for officers, locally employed staff, or spouses.

Economic security is a national security priority, and the Foreign Commercial Service is critical to advancing U.S. economic and commercial engagement abroad and in the United States. The FCS has a tangible effect on the U.S. economy, leveraging global opportunities for American workers and businesses. Not only does FCS work grow the U.S. economy, but it is pivotal to confronting the PRC, which

increasingly targets economies in Latin America, Africa, Europe, and the Indo-Pacific. Given the ever-rising demand for services and a significant reduction in staffing overseas, FCS requires adequate resources to effectively carry out its mission. Doubling the funding of FCS will ensure that this proud and dedicated service is adequately resourced to help American businesses grow their presence overseas, to advance American strategic interests abroad, and to compete against China.

We urge Congress to prioritize this request, so FCS can continue to help America compete effectively in FY25 and beyond. Thank you very much for your leadership on this important issue.

Sincerely,
Tom Yazdgerdi, AFSA President

PREPARED STATEMENT OF AMERICAN GEOPHYSICAL UNION

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the fiscal year (FY) 2025 appropriations 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 global community of half a million in the Earth and space sciences, respectfully requests that the 118th Congress appropriate the following:

—$9 billion for NASA's Science Mission Directorate (SMD),
—$157.8 million for NASA's Office of STEM Engagement,
—At least $7.2 billion for NOAA, and
—$11.9 billion for NSF.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AGU requests that Congress appropriate $9 billion in FY25 for NASA's Science Mission Directorate. This ambitious request will support world-class Earth and space science research and ensure U.S. science leadership despite the emergence of many new international space agencies. This request will allow NASA to continue to steadily advance existing and new decadal missions across all divisions and provide unique opportunities for the next generation of STEM professionals.

EARTH SCIENCE DIVISION

Strong investment in Earth Sciences will support the development of the next generation of missions and satellites that will transform our understanding of the Earth's systems. This includes continued development of Earth system observatory missions and Landsat Next, a reimagination of the Landsat mission that will create new user applications, such as water quality assessments, mineral mapping, and soil conservation. Increased funding will also enable NASA to continue developing the tools and resources users need in their planning and decision-making, from helping farmers predict precipitation changes resulting from our changing climate, to enabling cities to develop hazard resilience and adaptation plans, to aiding our allies across the world when large scale natural disasters occur.

PLANETARY SCIENCE DIVISION

Strong investment in Planetary Sciences will allow NASA to pursue several high-profile decadal missions and priorities, including Europa Clipper, Mars Sample Return, and planetary defense, without inhibiting the budgets of other science mission areas. The pursuit of a robust fleet of missions in this division will help to ensure a thriving planetary science workforce and prevent additional layoffs at NASA space flight centers, which would represent a loss of key U.S. human capacity that we may not be able to re-attract. Furthermore, increased funding will allow NASA to robustly fund research and analysis, key to developing the next generation of space science leaders.

HELIOPHYSICS DIVISION

Increased investment in Heliophysics will enable deeper understanding of the space environment, which is needed to protect existing terrestrial and space assets and is key to achieving our future space exploration ambitions. Specifically, increased investment in Heliophysics will allow NASA to continue developing the flagship decadal Geospace Dynamics Constellation (GDC) mission. GDC will fill critical observational gaps in our understanding of space weather and aid space weather forecasting capabilities performed by NOAA. Additionally, increased funding will en-

courage an ambitious 2024 decadal survey, ensure a robust research and analysis program to maximize the return of large missions, and foster a thriving heliophysics community through the support of early career scientists.

OFFICE OF STEM ENGAGEMENT

AGU requests that Congress appropriate $157.8 million for NASA's Office of STEM Engagement. Increased funding for the office will allow NASA to increase engagement of K–12 students and increase strategic partnerships to broaden NASA's STEM impact across the United States. Specifically, additional funding will support more unique, evidence-based K–12 learning experiences through the Next Gen STEM program, expand the number of internships offered through Space Grant, and increase MUREP programming at community colleges and for those not pursuing 4-year degrees.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

AGU requests that Congress appropriate at least $7.2 billion for NOAA in FY25. From weather forecasts to fisheries data and groundbreaking research about the world around us, NOAA's products and services are critical to the Nation. Robust funding is imperative for ensuring NOAA's continued ability to protect American lives and strengthen the U.S. economy.

Last year, the U.S. experienced 28 billion-dollar weather and climate disaster events-the highest number ever recorded for the U.S.-costing a total of $94.2 billion and more than 492 lives.[1] These disasters continue to increase in frequency, severity, and cost to the Nation, especially in rural, agricultural, and disadvantaged communities. NOAA's scientists and funding programs have enabled us to understand the causes and impacts of these extreme events and increase the lead time for predictions needed to save lives and property. NOAA needs strong financial support to be able to bolster climate research, mitigate and prepare for worsening weather conditions, and build national and economic resilience.

NOAA's work to understand, protect and manage oceans and coasts is also essential to our economy, ecology, community resilience, public health, and safety. NOAA-sustained ocean research and observations, such as the Integrated Ocean Observing System (IOOS), are integral to understanding coastal climate impacts, including sea level rise and related hazards, blue carbon ecosystems, harmful algal blooms, ocean acidification and much more. However, a budget that deprioritizes extramural partnerships during times of fiscal austerity ignores constituent priorities, which are best addressed by strong regional programs that regularly engage with communities to understand and deliver information that meets their needs. For example, the impact of the proposed FY25 funding reduction to the IOOS Regional Associations will be the loss of the long-term data and real-time services that local decision makers need, and which also improve Federal models and forecasts.

Additionally, investments in NOAA's research and management programs must be matched by investments that address the workforce needs of the agency, including its numerous long-standing vacancies. Fellowships, internships, and extramural programs, like Sea Grant and the Cooperative Institutes, engage the next generation of scientists from around the Nation, helping to expand the agency's capacity and prepare for the future. Smart and robust investments in NOAA's current and future scientific community are critical to building a workforce capable of sustaining the agency's ability to fulfill its vital mission effectively.

NATIONAL SCIENCE FOUNDATION

AGU requests that Congress appropriate $11.9 billion for NSF in FY25. This ambitious funding request will enable NSF to continue to drive American innovation and competitiveness despite the almost $500 million cut in funding the agency received in the final FY24 appropriations bill. Ambitious 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.

Increased funding will allow NSF to meet the ambitions set by Congress, including further developing the Technology, Innovation, and Partnerships Directorate, expanding access to STEM education for rural and underserved communities, and funding the Regional Innovation Engines—without sacrificing core NSF research and STEM education programs. NSF currently supports almost a quarter of all basic research and funds more than fifty percent of basic environmental research

[1] NOAA's National Centers for Environmental Information. Calculating the cost of weather and climate disasters. https://www.ncei.noaa.gov/news/calculating-cost-weather-and-climate-disasters.

done at U.S. colleges and universities. Increased funding will allow NSF to expand support for STEM programs for K–12 students and teachers, as well as undergraduate and graduate students, which are essential for our future STEM workforce.

Increased funding will also allow the Office of Polar Programs, the manager of all U.S. activities in the polar regions, to continue maintenance and improvements for Antarctic facilities and ensure these facilities are made available for scientific use as soon as possible. The diminished opportunities to conduct science in Antarctica has impacted a wide swath of the scientific community from space to climate sciences and has been especially detrimental for graduate students who are having to reimagine their career plans. Additionally, robust funding for NSF in FY25 will enable NSF to properly plan for the next phase of the U.S. scientific ocean drilling program following the retirement of JOIDES Resolution this year.

CONCLUSION

With our Nation facing critical and interconnected challenges affecting our economic strength, national security, and health and well-being, strong investments in science and innovation—specifically the work done by NASA, NOAA, and NSF—are vital for a stronger, more secure, and better future for America. AGU appreciates the subcommittee's leadership in these areas, as well as the opportunity to submit this testimony. Thank you for your thoughtful consideration of our requests.

[This statement was submitted by Brittany Webster, Manager, and Michael Villafranca, Senior Specialist, Science Policy & Government Relations.]

PREPARED STATEMENT OF AMERICAN GOVERNANCE INSTITUTE

Dear Chairman Shaheen, Ranking Member Moran, and members of the committee:

Thank you for the opportunity to testify concerning improving Executive branch accountability by directing the Justice Department to make final opinions of the Office of Legal Counsel available to Congress and the public. Thank you also for including strong language concerning OLC opinions in the Joint Explanatory Statement accompanying the FY 2024 Appropriations bill, and in legislation from FY 2020 forward.[1] My name is Daniel Schuman and I am Executive Director at the American Governance Institute.

We urge you to include stronger language in the report accompanying the FY 2025 appropriations bill concerning OLC opinion transparency because the Justice Department still has not complied with your directions on this matter.

BACKGROUND

The Office of Legal Counsel's core function is to provide "controlling advice to Executive Branch officials on questions of law that are centrally important to the functioning of the Federal Government."[2] Its opinions "may effectively be the final word on the controlling law."[3] The OLC treats its opinions as a body of law with precedential value, citing prior opinions as authority for new opinions. Executive branch officials also treat OLC opinions as binding and precedential.

OLC opinions are intended to reflect the best possible reading of the law.[4] Nonetheless, the non-publication of OLC opinions creates space for OLC attorneys to lean towards a legal opinion that a given administration desires—not the legal opinion that best reflects the law. There are high profile examples of this occurring.[5] This

---

[1] Joint Explanatory Statement Accompanying the Consolidated Appropriations Act, 2024 (Public Law 118–24). See Congressional Record, March 5, 2024, S1403, https://www.congress.gov/118/crec/2024/03/05/170/39/CREC-2024-03-05.pdf.

[2] Department of Justice, Memorandum for Attorneys of the Office re: Best Practices for OLC Advice and Written Opinions, July 16, 2010, https://www.justice.gov/sites/default/files/olc/legacy/2010/08/26/olc-legal-advice-opinions.pdf.

[3] Id.

[4] See supra, Justice Department Best Practice Memorandum, p.1.

[5] See, for example, a Statement by Sen. Patrick Leahy at a February 26, 2010 hearing before the Senate Committee on the Judiciary entitled *The Office of Professional Responsibility Investigation into the Office of Legal Counsel Memoranda.* "The fundamental question here is not whether these were shoddy legal memos. They were shoddy legal memos. Everybody knows that . . . . It failed to cite significant case law; it twisted the plain meaning of statutes. The legal memoranda were designed to achieve an end." (emphasis added). See also a letter from select members of the Senate Committee on the Judiciary to Attorney General Garland urging the Department of Justice to not appeal D.C. District Judge Amy Berman Jackson's May 3, 2021 decision ordering the release of an OLC memorandum (May 14, 2021), https://

includes instances where OLC ultimately withdrew its own legal opinions when they came to light and at least one instance where OLC secretly concluded explicit statutory language was unconstitutional and, therefore, inapplicable to the Executive branch.[6]

OLC opinions are used to make decisions of great consequence, including to interpret the meaning of laws enacted by Congress, to resolve interagency disputes, and to forebear from prosecution when an individual was acting pursuant to guidance from OLC. Even opinions on prosaic issues can significantly impact people's lives. Yet, there is no comprehensive list of all final OLC opinions and OLC practices do not embrace the presumption of disclosure for its opinions.

A number of legal experts, including attorneys who served at the Office of Legal Counsel, have made public statements that the preference for secrecy must be transmuted into a policy of transparency. In 2020, for example, an array of legal experts and former OLC attorneys endorsed: a strong presumption in favor of publishing final OLC opinions; disclosing OLC advice deemed classified, privileged, or sensitive to congressional committees when an agency relies upon that advice to justify a major policy decision or executive action; and releasing a public index of its memoranda.[7] "OLC exercises a form of public trust, and because its views of the law's meaning shape executive action and policy, Congress and the public both have compelling interests in understanding the legal basis of executive action."

A similar statement was released in December 2004 by 19 former senior DOJ officials in a document entitled Principles to Guide the Office of Legal Counsel.[8] One principle was that "OLC should publicly disclose its written legal opinions in a timely manner, absent strong reasons for delay or nondisclosure."[9] They explain that "disclosure helps to ensure executive branch adherence to the rule of law and guard against excessive claims of executive authority." Public scrutiny would create an invisible but persistent pressure for the promulgation of responsible, high quality, objective legal opinions.

The OLC's disclosure policy falls far short of this goal. That policy is articulated in a 2010 memorandum that creates a presumption that "formal" OLC opinions will be withheld unless an arduous process is followed, with multiple consultations and veto points, and no end date.[10] It requires that the official publication committee affirmatively decide to publish an opinion. Under pressure, OLC has published on a website a number of opinions "that have not been selected for official publication" but are released pursuant to repeated public requests under the Freedom of Information Act.[11] OLC has also begun publishing formal legal opinions from the period of 1933–1977.[12]

It is important to note that OLC legal opinions are rendered both as "formal opinions" and "informal advice." Both are binding legal advice within the Executive branch, follow a formal approval process, have precedential value within OLC, and are tracked in an OLC database. The distinction is only the format in which the advice is rendered: a "formal opinion" is turned into a carefully formatted, written document, of which some are published online. "Informal advice" may be rendered as an email or verbally, then reduced to a memo for the record.

Civil society organizations are using the Freedom of Information Act to force the OLC to change its publication practices. For example, taking advantage of a change in the FOIA that established a 25-year limit for the executive branch to withhold information it classified as deliberative, a lawsuit brought by the Knight First Amendment Institute at Columbia University, Francis v. DOJ, resulted in a 2021 settlement requiring the DOJ to disclose an index of unclassified OLC opinions written between 1945 and February 15, 1994; to disclose 230 opinions selected from

---

www.durbin.senate.gov/imo/media/doc/2021-05-14%20Letter%20to%20AG%20Garland.pdf.
"Given the gravity of the misconduct underlying OLC's March 2019 memo and DOJ's apparent misrepresentations when attempting to conceal the memo from the public . . . ."

[6] "Report on the President's Surveillance Program," by the Offices of the Inspectors General of the Department of Defense, the Department of Justice, the Central Intelligence Agency, the National Security Agency, and the Office of the Director of National Intelligence (July 10, 2009), at 14, https://oig.justice.gov/reports/2015/PSP-09-18-15-full.pdf.

[7] "The Office of Legal Counsel and the Rule of Law," American Constitution Society (October 2020), https://www.acslaw.org/wp-content/uploads/2020/10/OLC-ROL-Doc-103020.pdf.

[8] "Principles to Guide the Office of Legal Counsel" (Dec. 21, 2004), https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2927&context=faculty_scholarship.

[9] Id.

[10] See "Best Practices for OLC Legal Advice and Written Opinions," Office of Legal Counsel (July 2010), https://www.justice.gov/sites/default/files/olc/legacy/2010/08/26/olc-legal-advice-opinions.pdf.

[11] See OLC FOIA Electronic Reading Room, https://www.justice.gov/olc/olc-foia-electronic-reading-room.

[12] See *Secrecy News* (July 2013), https://sgp.fas.org/news/secrecy/2013/07/073013.html.

those indexes; and to disclose an index of all classified OLC opinions issued between 1974 and 2021 except those classified above Top Secret.[13] Parallel litigation, Campaign for Accountability v. DOJ, sought the affirmative disclosure of all final OLC opinions under FOIA's reading-room provision; thus far, the District Court for the District of Columbia has concluded that OLC opinions resolving interagency disputes are final opinions that fall within FOIA's proactive disclosure provision, and ordered the DOJ to "disclose all formal legal opinions that resolve disputes between executive agencies."[14] The Project on Government Oversight is in litigation concerning a request for OLC to publish an index of more recent opinions.[15]

This litigation illustrates that the Justice Department can implement proactive disclosure directives that require disclosure of a large tranche of opinions and an index of all existing opinions. Unfortunately, litigation is time-consuming, slow, and expensive for taxpayers and civil society. There is a significant lag between the legal remedy and when it can be invoked. Moreover, available legal remedies may not reach all OLC opinions. We believe disclosure of final OLC opinions should occur on a regular basis, as a matter of policy, and on government websites.

Appropriators have been patient with the Justice Department, stating repeatedly that "the Attorney General is again strongly urged to direct OLC to publish all legal opinions and other materials that are appropriate for publication—in particular those materials that are the subject of repeated requests or that may be of public or historical interest." As the litigation has shown, the DOJ has not met that directive.

RECOMMENDATIONS

We respectfully request that you direct the Office of Legal Counsel to make its opinions publicly available upon issuance, except in narrow circumstances, and to fill in the gaps in availability. In addition, we request direct the Office of Legal Counsel to release an index of all current OLC opinions and to update that index on a regular basis. To accomplish this, we recommend adoption of language similar to that included in House Report 116–455[16]:

> Office of Legal Counsel (OLC) opinions.-To serve the public interest, and in keeping with transparency and the precedent of public reporting of judicial decisions, the Committee asks the Attorney General to direct OLC to publish on a publicly accessible website all legal opinions and related materials, except in those instances where the Attorney General determines that release would cause a specific identifiable harm to the National defense or foreign policy interests; information contained in the opinion relates to the appointment of a specific individual not confirmed to Federal office; or information contained in the opinion is specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code). For final OLC opinions for which the text is withheld in full or in substantial part, the Attorney General should provide Congress a written explanation detailing why the text was withheld.
>
> In addition, the Attorney General should also direct OLC to publish on a publicly accessible website a complete index of all final OLC opinions in both human-readable and machine-readable formats, arranged chrono-

[13] "The Office of Legal Counsel Discloses List of Classified Opinions in Important Step for Transparency," Justice Security December 21, 2023, https://www.justsecurity.org/90808/the-office-of-legal-counsel-discloses-classified-list-of-opinions-in-important-step-for-transparency/.

[14] "Office of Legal Counsel Ordered to Release Many of Its Legal Opinions," Knight First Amendment Center, https://knightcolumbia.org/content/office-of-legal-counsel-ordered-to-release-many-of-its-legal-opinions.

[15] See *Project on Government Oversight v. Justice Department,* No. 1:20-cv-01415 (D.D.C. filed May 28, 2020), https://www.courtlistener.com/docket/17201259/project-on-government-oversight-v-us-department-of-justice/.

[16] The report language included by the CJS Appropriations subcommittee in the House of Representatives addressed these issues with a high level of detail, however, the superseding Joint Explanatory Statement language on OLC opinions provided a level of discussion to the DOJ beyond that which is appropriate. See *Joint Explanatory Report, FY2023,* Congressional Record S7918 (December 20, 2022), https://www.congress.gov/117/crec/2022/12/20/168/198/CREC-2022-12-20.pdf; See Report, *Commerce, Justice, Science and Related Agencies Appropriations Bill,* 2021, H. Rpt. 116–455, p. 59, https://www.congress.gov/116/crpt/hrpt455/CRPT-116hrpt455.pdf, superseded by Joint Explanatory Statement, p. 61, https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-B.pdf; see Report, *Commerce, Justice, Science and Related Agencies Appropriations Bill,* 2020, H. Rpt. 116–101, pp. 45–46, https://www.congress.gov/116/crpt/hrpt101/CRPT-116hrpt101.pdf, superseded by Joint Explanatory Statement, p. 30, https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/HR%201158%20-%20Division%20B%20-%20CJS%20SOM%20FY20.pdf.

logically, within 90 days of the enactment of this act, which shall be updated immediately every time an OLC opinion or a revision to an opinion becomes final. The index shall include, for each opinion: the full name of the opinion; the date it was finalized or revised; each author's name; each recipient's name; a unique identifier assigned to each final or revised opinion; and whether an opinion has been withdrawn.

Thank you again for your half-decade long effort to increase transparency for OLC opinions and accountability for the Department of Justice.

[This statement was submitted by Daniel Schuman, Executive Director.]

PREPARED STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

On behalf of the Nation's 35 accredited Tribal Colleges and Universities (TCUs), which collectively are the American Indian Higher Education Consortium (AIHEC), we thank you for the opportunity to share our Fiscal Year (FY) 2025 funding requests. The following is a list of recommendations including the Department, programs, and funding requests.

National Science Foundation (NSF)

Education and Human Resources Directorate (EHR)

—Tribal Colleges and Universities Program (TCUP): $26,000,000

Tribal Colleges & Universities: Raising and Training the Nation's Native STEM Workforce.—Currently, 35 accredited TCUs operate more than 90 campuses and sites in 16 States. Three emerging institutions, located in California (two) and Arizona (one), are on their way to seeking accreditation. These institutions serve students from over 250 Federally Recognized Indian Tribes and embody a vital component of Tribal higher education.

Over 80 percent of Indian Country is served by TCUs. Tribal colleges not only serve students, but they also serve over 160,000 American Indians, Alaska Natives, and other rural residents each year through a wide variety of academic and community-based programs. Despite funding challenges, TCUs are responding to the STEM workforce needs across the country. In fall 2022, 2,244 TCU students were enrolled in one of 240 STEM programs at TCUs. TCUs have established programs in high-demand fields: 14 TCUs offer pre-engineering or engineering programs, five TCUs offer STEM teacher education programs, and 14 TCUs offer nursing programs. These efforts are preparing American Indian and Alaska Native 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.

Funding cuts of any amount to even one TCU program would force TCUs to scale back vital programs and services that students rely on to complete degree and certificate programs needed to succeed in their chosen career paths. Any reduction in funding will threaten TCU accreditation status and further stretch overtaxed faculty and staff or result in cuts to faculty and staff. The following are justifications for TCU FY 2025 funding requests.

NATIONAL SCIENCE FOUNDATION (NSF)

Education and Human Resources Directorate (EHR).—Tribal Colleges and Universities Program (TCUP): AIHEC requests the subcommittee to provide $26,000,000 for the NSF–TCUP grants. 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 to develop and expand critically needed STEM education and research programs relevant to their Indigenous communities.

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.

Community-Based Research

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 can have 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) faculty and students monitor streams for contaminants and are investigating 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.

Aaniiih Nakoda College (ANC)—Tribal Climate Resiliency

The environmental science program at Aaniiih Nakoda College (Harlem, MT) is based on an effective model of place-based instruction that combines rigorous coursework, internship placements, and undergraduate research experiences focused on student learning. ANC students are using their education and research skills to help combat the looming climate change crisis and its effects on their Fort Belknap Indian Community.

For over a decade, ANC environmental studies students have been studying the 23 miles of river that pass through Tribal lands to monitor changes in water temperatures, impact on life in the river, and the quality of local drinking water. Student researchers collect samples of small bottom-dwelling aquatic insects and freshwater algae. The specimens are brought back to ANC's laboratory to be sorted, identified, and analyzed. Next, the specimens are transported six hours away across the State to a private laboratory in Missoula, Montana for advanced testing and further analysis. Until additional resources are available to build out the required research infrastructure, ANC and other TCUs will continue to work with similar limitations in conducting vital research necessary to support Tribal communities in preserving health, environment, and traditional ways of life.

These success stories notwithstanding, American Indian and Alaska Native students are disadvantaged from pursuing STEM-centered careers from an early age. American Indian and Alaska Native 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 the academic year 2022–2023 showed that 22 percent required remedial math. Our data indicates that while 34 percent will successfully complete the course, many will take more than 1 year to do so.

Through NSF–TCUP grants, TCUs and Alaska Native Serving/Native Hawaiian Serving Institutions 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 2-year STEM Academy to prepare junior and senior high school 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.

While a number of TCUs have achieved significant advances and success, only a portion of the TCUs have been able to benefit from this transformative program due in part to limited funding. This program was intended, and named, to be TCU-specific, but NSF allows Alaska Native Serving/Native Hawaiian Serving Institutions to compete for funding under NSF–TCU. This allows funds intended to address disparities in TCU STEM programming to be used by larger state-supported institutions that are not resource-challenged. AIHEC requests that Alaska Native Serving/Native Hawaiian Serving Institutions be removed from the NSF–TCU program and instead, that a separate program be established for these institutions.

We urge the subcommittee to expand the competitively awarded NSF–TCUP grants to a minimum of $26,000,000.

CONCLUSION

TCUs provide thousands of American Indian and Alaska Native students with access to high-quality, culturally appropriate, postsecondary education opportunities, including STEM-focused programs. The modest Federal investment in TCUs has

paid significant dividends in employment, education, and economic development. We ask you to renew your commitment to help move our students and communities toward self-sufficiency and request your full consideration of our FY 2025 appropriations requests. Thank you.

PREPARED STATEMENT OF AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of fiscal year (FY) 2025 appropriations for the National Science Foundation (NSF). We encourage Congress to provide NSF with at least $11.9 billion in FY 2025.

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.

IMPORTANCE OF BIOLOGICAL RESEARCH

Biological research is in our National interest. It advances our understanding of the living world and provides solutions to important problems. 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 all informed by biological sciences. Notably, biological research helps to sustain biodiversity and healthy ecosystems that underpin the livelihoods of communities. The knowledge gained from NSF-funded biological research also 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, Ekso Bionics, and Ginkgo BioWorks, 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 fosters 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. Over the past decade, the U.S. science, technology, engineering, and mathematics (STEM) workforce grew both in number and in the percentage of the total U.S. workforce—from 22% to 24% between 2011 and 2021. In fact, in 2021, the U.S. STEM workforce comprised 36.8 million people in diverse occupations that require STEM knowledge and expertise, making up 24% of the total U.S. workforce.

IMPORTANCE OF NSF-FUNDED BIOLOGICAL RESEARCH

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.*—NSF-funded research played a crucial role in our response to the COVID–19 pandemic. Fundamental research supported by NSF led to the development of critical diagnostic tools and medical devices to combat the outbreak. NSF supported the discovery of bacteria from thermal pools at Yellowstone National Park that contain thermostable enzymes that allow for the rapid copying of genetic material through a process called Polymerase Chain Reaction (PCR). This process was integral to manufacturing a widely used clinical test for determining whether a patient has been infected with the virus that causes COVID–19.

—*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 and natural science collections involves multi-disciplinary teams, which have put nearly 140 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 federally-funded research that have benefited the public are chronicled in the AIBS report, "Biological Innovation: Benefits of Federal Invest-

ments in Biology," which is available at https://www.aibs.org/assets/pages/policy/AIBS-Biological-Innovation-Report.pdf.

NSF is the primary Federal funding source for biological research at our Nation's universities and colleges, providing 65 percent of extramural Federal support for non-medical, fundamental biological and environmental research at academic institutions.

STRENGTHENING BIOLOGICAL RESEARCH INFRASTRUCTURE

NSF is also 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 to provide insights into our Nation's most pressing issues.

Scientific collections are an important component of our Nation's research infrastructure. Recent reports have highlighted the value of mobilizing biodiversity specimens and data in spurring new scientific discoveries that grow our economy, improve our public health and well-being, and increase our National security. 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.

A 2020 report by the National Academies of Science, Engineering and Medicine (NASEM), "*Biological Collections: Ensuring Critical Research and Education for the 21st Century*," argued that collections are a critical part of our Nation's science and innovation infrastructure and a fundamental resource for understanding the natural world. The NASEM report's recommendations for establishing an action center for biological collections and requiring specimen management plans for research proposals generating new specimens, underscore the importance of biodiversity collections and have been supported by the CHIPS and Science Act.

Both reports articulate a common vision of the future of biological collections and define the need to broaden and deepen collections and associated data to realize the full potential for biodiversity collections to inform 21st century science. 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, free-standing natural history museum, or another research center.

While many Federal agencies have a role in supporting the establishment of an action center for biological collections and the development of the Extended Specimen Network, NSF has a central role to play. The agency has been a leader in this space through the Advancing Digitization of Biodiversity Collections program, and is now supporting critical advancements through the Infrastructure Capacity for Biological Research: Biological Collections program.

BUILDING THE STEM WORKFORCE

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 1,900 colleges, universities, and other public and private institutions across the country in FY 2023. 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 more than 70,000. In FY 2023, nearly 353,000 people, including researchers, postdoctoral fellows, trainees, teachers and students, were supported directly by NSF.

INVESTING IN NSF IS CRITICAL FOR U.S. GLOBAL LEADERSHIP IN SCIENCE

Unfortunately, Federal research and development investments are shrinking as a share of the U.S. economy. The U.S. is still the largest performer of research and development globally, but our share of worldwide scientific activity has declined considerably over the past two decades, while countries in East and Southeast Asia, especially China, have been rapidly increasing their investments in science. According to the National Science Board, the annual rate of increase of China's R&D, is almost double that of the U.S.

To remain at the global forefront of innovation and to fully realize the benefits of NSF-supported research, the government must make bold and sustained investments in NSF. Unpredictability in funding disrupts research programs, creates un-

certainty in the research community, and stalls the development of the next great idea.

Enacting robust funding increases for NSF will allow for critical Federal investments in scientific and educational research, as well as support for the development of the scientific workforce. These investments will allow NSF to increase the number of new graduate research fellowships it awards to nurture the human capital needed to ensure U.S. leadership in scientific innovation. Such increases will also enable NSF to expand support for important new initiatives, such as the Biology Integration Institutes program, which supports collaborative research on frontier questions about life that span multiple disciplines within and beyond biology.

CONCLUSION

Providing NSF with at least $11.9 billion in FY 2025 is necessary to undo the harmful effects of the slow growth in research funding in recent years that has hurt America's research productivity. The requested funding will grow and sustain the U.S. bioeconomy and enable NSF to accelerate work on important initiatives at the frontiers of science and engineering. This investment will enable NSF to support research in a number of important priority areas such as biotechnology, artificial intelligence, climate change, and advanced biomanufacturing. Importantly, these increases will advance research on infectious disease emergence and transmission, prevent future pandemics, and fill gaps in our knowledge about the spread and evolution of biological threats.

We are disappointed that NSF received only $9.1 billion in FY 2024, an 8% cut compared to its FY 2023 budget. This is the first time that funding for NSF has decreased in a decade. The reduced allocation in FY 2024 hurts research and undermines the Nation's ability to address societal challenges. Further, this cut ignores the CHIPS and Science Act, which demonstrated bipartisan commitment to our Nation's scientific and technological enterprise and provided an exciting framework for growing Federal investments in research. We urge Congress to follow through on its promise by funding NSF as close as possible to the levels authorized by the law.

Please continue supporting increased investments in our Nation's scientific capacity by providing NSF with at least $11.9 billion in FY 2024. This request aligns with the FY 2023 authorization for NSF in the CHIPs and Science Act. Thank you for your thoughtful consideration of this request and for your prior efforts on behalf of science and the National Science Foundation.

[This statement was submitted by Jyotsna Pandey, Ph.D., Community Programs Director.]

PREPARED STATEMENT OF THE AMERICAN PHYSIOLOGICAL SOCIETY (APS)

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 2025 funding levels for these two agencies.

—The APS urges you to fund the FY 2025 NSF budget at a level of at least $16.7 billion to prevent further erosion of program capacity and meet the goals of the bipartisan CHIPS and Science Act.
—The APS urges you to increase 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 2024 Science and Engineering Indicators, other countries including China continue to increase basic research funding at a rate that outpaces the growth of U.S. investments.[1]

NSF FUNDS OUTSTANDING RESEARCH AND EDUCATION PROGRAMS

NSF provides support for 24% of all federally funded basic scientific research, including 65% of the support for non-medical research in biology. NSF invests in basic biological research across a broad spectrum of sub-disciplines along with the equipment and other infrastructure that scientists need for their work. Time and time again we have seen that knowledge gained through basic biological research pro-

[1] https://ncses.nsf.gov/pubs/nsb20243/key-takeaways.

vides 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.

94% of the NSF budget directly funds research and education. Most of this funding is awarded through highly competitive grants, which support over 300,000 researchers across all 50 States.[2] The NSF is the only Federal agency that supports basic research across all disciplines of science and engineering, and its continued funding is critical for the development of the next generation of scientists. NSF has an exemplary record of funding research with far-reaching potential. Since its inception in 1950, NSF has supported the work of 248 Nobel Laureates, including the 2020 Nobel Prize in Chemistry for the development of CRISPR gene editing technology. While there are now many promising applications of CRISPR technology, such as rapid diagnosis of diseases like COVID–19 and the correction of genetic defects that cause disease, its discovery resulted from curiosity-driven basic science.

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

Additional funding is necessary to meet the goals of the CHIPS and Science Act and strengthen U.S. competitiveness in science and innovation. Provisions of the CHIPS and Science Act allow NSF to support the scientific workforce through scholarships, fellowships, and traineeships, as well as through improving research infrastructure and combating sexual harassment. The act also supports economic and technology development initiatives through the NSF's new Technology, Innovation, and Partnerships Directorate. As of FY24, Congressional funding for research agencies is $7.5 billion below the levels authorized by CHIPS and Science.[3] Recent budget cuts to NSF hinder the agency's ability to support scientists and threatens the success of its mission. Therefore, 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 $16.7 billion in FY 2025.

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 more than 300 research grants that go to academic researchers in more than 30 States 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. One of the most well-known studies of these physiological changes is the NASA Twin Study which compared identical twins and fellow astronauts Mark and Scott Kelly to see what changes occurred following Scott Kelly's 1 year mission aboard the International Space Station.[4] 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, the amount of money available for conducting this kind of research at NASA has dwindled. In the past, appro-

[2] https://www.nsf.gov/news/factsheets/Factsheet__By%20the%20Numbers__05__21__V02.pdf.
[3] https://fas.org/publication/fy24-chips-short-7-billion/.
[4] https://www.nasa.gov/humans-in-space/nasa-twins-study-confirms-preliminary-findings/.

priations legislation specified funding levels for biomedical research and gravitational biology, but ongoing internal reorganizations at NASA have made it difficult to understand how much money is being spent on these programs from year to year. The APS recommends that funding streams for these important fundamental research programs be clearly identified and tracked within the NASA budget. The APS also recommends restoration of cuts to peer-reviewed life sciences research to allow NASA-funded scientists to 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 2025.

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 8,500 members, most of whom hold doctoral degrees in physiology, medicine and/or other health professions.

PREPARED STATEMENT OF AMERICAN PSYCHOLOGICAL ASSOCIATION SERVICES, INC.

The American Psychological Association Services, Inc. (APA Services) is the companion organization of the American Psychological Association (APA), which is the Nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology, as well as over 157,000 members and affiliates who are clinicians, researchers, educators, consultants, and students in psychological science. APA Services urges Congress to provide the following funding levels for programs within the National Science Foundation (NSF), the Department of Justice (DOJ), the Census Bureau, and the National Institute of Standards and Technology (NIST) in FY2025.

NATIONAL SCIENCE FOUNDATION (NSF)

APA Services joins the scientific community urging Congress to provide at least an $11.9 billion appropriation for the National Science Foundation (NSF) in FY2025. As other nations continue to make dramatic increases in their investments in science, robust funding for NSF in FY2025 can help the United States maintain its global leadership and competitiveness in science and engineering. Increased support for NSF will also provide funding for the more than $2 billion in high-quality proposals submitted to NSF each year that cannot be funded.

APA Services urges continued investments in core psychological science research supported by the Social, Behavioral, and Economic Sciences (SBE) Directorate at NSF. NSF is the only Federal agency whose primary mission is to support basic non biomedical research and education across all fields of science, technology, engineering, and mathematics. Although psychological science receives funding from various directorates within NSF, most core psychological research is supported by the Social, Behavioral, and Economic Sciences (SBE) Directorate. SBE supports research that focuses on variables that influence human behavior across all ages, interactions among individuals and groups, and the development of social and economic systems. While SBE funding accounts for more than 60% of the Federal funding for basic social and behavioral science research at academic institutions, SBE has historically received the lowest funding level of the seven NSF Directorates. In addition to the core behavioral research in cognitive neuroscience, human cognition and perception, learning and development, and social psychology, SBE continues to invest substantial funds to participate in special initiatives and cross-directorate programs that address vital national priorities, including emerging technologies in society.

In addition to the SBE Directorate, APA Services encourages continued support for the Biological Science Directorate (BIO) and Computer Science and Information Systems Engineering Directorate (CISE), both of which provide important support for psychological research at NSF. BIO provides support for psychologists who study the principles and mechanisms that govern life from the level of the genome and cell to the whole family, individual, or species. The work of CISE is of particular importance given the emphasis from Congress and the Administration on emerging technologies and artificial intelligence (AI). Knowledge derived from psychological science is essential to the work in many of the CISE divisions, as human behavior plays a key role in the design and implementation of new technologies. Human factors psychology is relevant for the development and advancement of automated sys-

tems in autonomous vehicles, essential for the creation of fair, trustworthy, and explainable AI, and necessary for research on the future of work.

APA Services urges the Committee to help curb the potential loss of research talent likely to occur if early-career researchers are forced from scientific pathways due to economic or social circumstances which attenuate career progression and threaten their professional futures. While scientists across career stages have been upended by this monumental shift, early-career scientists, such as graduate students, postdoctoral fellows, and junior faculty, are particularly vulnerable. Early-career scientists are often just beginning to establish research independence and the negative impacts of the pandemic may be significant and long-lasting. Destabilizing fluctuations in research productivity, faculty positions in academia, and funding opportunities will impact early-career scientists in the immediate and late phases of their careers.

APA Services applauds NSF's investments in climate science and sustainability research. NSF has developed crucial funding mechanisms for climate and clean energy-related research over the past several years that must continue. An increased focus must also be placed on the role of behavioral and mental health research in efforts to mitigate and adapt to climate change. NSF's broad portfolio of research related to climate science and clean energy includes research into the social, behavioral, and economic research on human responses to climate change. Nearly all subject areas and approaches within psychology (including environmental, cognitive, social, community, developmental, educational, school, counseling, clinical, neuroscientific, health, psychodynamic, humanistic, industrial and organizational, human factors, and other subfields) offer concepts, methods, and tools that can be applied or elaborated to address climate change. Psychology, and the mental health workforce, will play an essential role in adaptation efforts in the face of increasingly prevalent impacts of climate change. NSF's efforts to understand the role of mental health in adaptation efforts is another essential part of efforts the Federal Government is taking to avert the most disastrous outcomes.

DEPARTMENT OF JUSTICE (DOJ)

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

Within OJP, APA urges the Committee to provide at least $42.5 million for the Bureau of Justice Statistics; at least $35.4 million for the National Institute of Justice (including at least $1 million in dedicated funding for gun violence research); $125 million for the Second Chance Act including $5 million to support Children of Incarcerated Parents demonstration grants; $35 million for Justice Reinvestment; $12.5 million for Delinquency Prevention Program. APA Services recommends: $443 million for the Comprehensive Addiction and Recovery Act related activities including $95 million for Drug Courts; $35 million for Veterans Treatment Courts; $45 million for Residential Substance Abuse Treatment; and $190 million for the Comprehensive Opioid Abuse Program. APA Services supports $10 million for Crisis Stabilization and Community Re-entry Grant Program; $82 million for STOP School Violence Act; $45 million for Mentally Ill Offender Treatment and Crime Reduction Act; and $45 million for the Justice Mental Health Collaboration Program. Within BOP, APA Services recommends $409.4 million for the First Step Act. APA Services supports $10 million for grants to support Training to Improve Police-Based Responses to the People with Mental Illness.

Though rates of domestic abuse have declined significantly since the enactment of the Violence Against Women Act (VAWA), exposure to violence remains common, with one in three women in the U.S. experiencing rape, physical violence, or stalking at some point in their lifetime. Flat funding for the Office on Violence Against Women (OVW) would imperil progress made over the last three decades, especially now that the risks are even more severe. The stay-at home orders necessary for public safety during the COVID–19 pandemic seriously increased the risk of intimate partner violence, domestic violence, and child maltreatment. When Congress thinks about VAWA, transgender and gender non-conforming people need to be considered. According to the Human Rights Campaign, at least 38 transgender and gender nonconforming people were killed in 2022, the overwhelming majority of whom were Black and Latinx transgender women. These figures are suspected to be incomplete because too often these cases go unreported—or misreported. The National Center for Transgender Equality reports that the toxic anti-trans rhetoric and efforts to weaponize disinformation about trans people have contributed to a deeply unsafe environment for trans people and their families.

According to the Substance Abuse and Mental Health Services Administration, research has shown that traumatic experiences are associated with both behavioral health and chronic physical health conditions, especially those traumatic events that occur during childhood. Substance use, mental health conditions, and other risky behaviors have been linked with traumatic experiences. Crime victims may experience trauma, and APA Services strongly recommends fully funding the Victims of Crime Act Fund to ensure adequate resources for direct victim services.

APA Services urges the Committee to increase FY2025 appropriations for OVW and prioritize the prevention of violence across the lifespan- including domestic and sexual violence, dating violence, and stalking, as well as children's exposure to family violence. Of the FY2025 funds made available to the OVW, APA Services specifically requests: $255 million for Services, Training, Officers Prosecutors (STOP) Grants; $12 million for Education and Training to End Violence Against Women with Disabilities; $9 million for the Enhanced Training and Services to End Violence Against and Abuse of Women in Later Life Program (Abuse in Later Life Program); $25 million for grants to assist Tribal governments in exercising special domestic violence criminal jurisdiction; $52.5 million for Rural Domestic Violence and Child Abuse Enforcement; $16 million for the Consolidated Youth Oriented Program; and $25 million for grants to reduce violent crimes against women on campus. These programs are crucial in preventing further violence, helping victims find safety and support, and starting them on the path towards recovery.

APA Services urges the Committee to support FY2025 funding for the Office of Community Oriented Policing Services (COPS) to support federal, State, and local activities as well as fully funding the programs and initiatives included in the recently enacted Law Enforcement De-Escalation Training Act of 2022. This includes $20 million for Training on Racial Profiling and De-escalation, and Duty to Intervene Program. APA Services requests at least $45 million for Community Policing Development/Training and Technical Assistance and at least $15 million for the Training to Improve Police-based Responses to the People with Mental Illness program. To address the current crisis in law enforcement suicide and PTSD, APA Services strongly urges the committee to increase funding for the Law Enforcement Mental Health and Wellness Program to at least $15 million.

CENSUS BUREAU

APA Services urges the Committee to provide $2 billion in funding for the Census Bureau in FY2025, which represents a $430 million increase above the President's request, and a $620 million increase from the agency's FY2024 enacted level. The Administration's request supports important initiatives, but it does not include sufficient additional funding to fully support priorities identified by stakeholders. Funding above the Administration's request is necessary not only to implement initiatives outlined in the Census Bureau's proposed FY2025 budget request, but also to support other priorities identified by stakeholders-especially 2030 Census preparations and the ACS.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

APA Services strongly supports the $10 million allocated to the National Institute of Standards and Technology (NIST) to establish a U.S. Artificial Intelligence Safety Institute. Helping ensure that technology shapes the future for the better requires understanding the psychology of human-technology interaction. An important area of psychological science involves the development, use, and impact of artificial intelligence. We encourage Congress and NIST to continue to invest in this area of research and to ensure that psychological scientists continue to be consulted, referenced, and included in task forces seeking to understand more about this new set of technologies.

[This statement was submitted by Katherine B. McGuire, Chief Advocacy Officer.]

PREPARED STATEMENT OF AMERICAN RIVERS

My name is Tom Kiernan, I am the President and CEO of American Rivers. Since 1973, American Rivers has protected wild rivers, restored damaged rivers, and conserved clean water for people and nature. With headquarters in Washington, D.C. and 355,000 supporters, members, and volunteers across the country, we are the most trusted and influential river conservation organization in the United States, delivering solutions for a better future. On behalf of American Rivers, I would like to thank Chair Jeanne Shaheen, Ranking Member Jerry Moran, and Members of the subcommittee on Commerce, Justice, Science, and Related Agencies for your

leadership to support healthy rivers and fisheries, advancing research and development, improving coastal resilience infrastructure, and protecting communities from climate change.

American Rivers is pleased to submit our full requests (see the full River Budget here and at https://www.americanrivers.org/wp-content/uploads/2024/02/FY25-River-Budget-Combined-with-Letter-and-Programs-Sheet-01.30.2024.pdf) as part of the written testimony for the record. We address the funding and programmatic needs for Federal agencies' programs to make sure they are effective and efficient. Today, rivers across the country face daunting challenges on the road to recovery. From algal blooms in the Great Lakes to water scarcity in the Southwest, we must use every tool at our disposal to ensure heathy rivers have a fighting chance to bounce back. Our critical water supplies are at risk if we fail to fund these key programs that enhance our ability to improve river health and grow our economy. These topline figures are backed by our River Budget Partners, a partner network of 156 partner organizations including utility and state agency associations, fishing groups, small businesses, rural communities, public health organizations, environmental justice leaders, and more.

We respectfully request the following:

Agency	Program	FY25 Recommendation
NOAA	Community Based Restoration Program	$100,000,000
NOAA	National Oceans and Coastal Security Fund	40,000,000
NOAA	Pacific Salmon Recovery Fund	80,000,000

*For more detail, see https://americanrivers.app.box.com/s/bckpye51yq8zfbf8law2sa6zd6euc9bg.

SUPPORT MORE ON-THE-GROUND PROJECTS TO AID PACIFIC SALMON RECOVERY

The iconic coasts and rivers of the Pacific Northwest are the backbone of the region's economy and cultural heritage. Investments from NOAA are critical to upholding Tribal treaty rights, pulling federally listed species like pacific salmon and steelhead back from the brink of extinction, and safeguarding human wellbeing in our communities in the face of climate change. The returns on these investments are significant—every $1 million spent on watershed restoration results in about 17 new or sustained jobs, and as much as $2.5 million in total economic activity across a wide variety of sectors, including food, hospitality, sustainable forestry, shellfish aquaculture, the maritime industry, international trade, tourism, and oil transportation safety and spill prevention. We urge the committee to fund the Pacific Salmon Recovery Fund at $80M because current funding is still woefully insufficient to recover salmon. The total need across the Pacific Northwest is $4.7 billion.

In addition, we would like to further support for NOAA programs including:

—$43.5 million for the Department of Commerce (through NOAA-Salmon Management Activities) to fully implement the terms of the Pacific Salmon Treaty. This modest increase in funding (the same amount we requested last year) is critical to meeting the provisions of the Federal Endangered Species Act (ESA), upholding Tribal fishing rights, and maintaining sustainable commercial and recreational fisheries.

—$91 million for the Pacific Salmon line item within NOAA's Protected Resources Science and Management program. We specifically recommend that $7 million of that amount be directed to implementing federally approved Hatchery and Genetic Management Plans (HGMP) and improve the timeliness and overall efficiency of the approval process. Separately, we also recommend that $7 million of the overall amount be directed towards accelerating habitat consultations in NOAA's West Coast Region, including backfilling open positions to conduct that work.

Progress in recovering salmon is being made in some parts of the Pacific Northwest region, but far too many fish species are dangerously close to extinction. Seven species of Pacific salmon, steelhead, and bull trout live in Washington State. This funding has not met the need of what communities need on the ground to implement habitat-related projects and programs to aid salmon recovery. Since 2005 in Washington State, more than 4,000 barriers have been repaired, retrofitted, and/or removed to open nearly 5,000 miles of habitat for fish. This improvement allows wider river openings and stream flows which salmon and steelhead need. Yet, there are at least 18,000 barriers still partially or fully blocking fish passage in the state.

More support is needed to overcome the salmon struggles and recent declines due to climate change, habitat degradation, poor water quality, fish passage barriers, impacts of hydropower and dams, and scarcity of food.

ENHANCE COASTAL RESILIENCE AND INFRASTRUCTURE

In Georgia and Virginia and many parts of our Nation's coast, we are already experiencing sea-level rise which means States and local governments have to make resiliency part of their planning process to mitigate the impacts of flooding and climate change. Since the establishment of NOAA's National Coastal Resilience Fund and the National Ocean and Coastal Security Fund, more than 300 projects focused on restoring, increasing, and strengthening natural infrastructure have been funded to help coastal communities manage storm and flooding impacts as well as enhance their ability to protect fish and wildlife habitat.

We urge the committee to provide the National Ocean and Coastal Security Fund with the opportunity to scale coastal and community resiliency projects by specifying percentages for how National Oceans and Coastal Security Fund should be used for a block grant program and a national competitive grant program, and detail specific eligible uses for the Fund's grant programs. At a minimum, the committee must fund this program at $40M in FY25 for communities to be "storm ready" and allowing them to efficiently adapt to changing economic, social, and environmental conditions and effectively respond to existing and emerging threats to infrastructure, fisheries, and national security.

DIRECT COST RECOVERY FUNDS BACK TO NOAA TO SUPPORT ITS HYDROPOWER PROGRAMS AND IMPROVE FISH MIGRATION INITIATIVES

Improving fish passage at hydropower sites can prevent further declines in migratory fish populations and support sustainable commercial, Tribal, and recreational fisheries. Fish such as the Pacific and Atlantic salmon and other migratory species, such as shad, river herring, American eel, lamprey, and sturgeon need access to both the ocean and freshwater habitat to complete their life cycles. But barriers like hydropower dams block migration patterns and access which lead to steep population declines and potential loss of species. NOAA Fisheries Hydropower Program is a vital program that partners rely on to identify and implement solutions to reopen rivers for migratory fish while preserving hydropower generation in smart and sustainable way. With more than 1,600 hydropower projects regulated by the Federal Energy Regulatory Commission, NOAA needs more funding for staffing and science to upgrade and retrofit our Nation's hydropower infrastructure.

Over the next 10 years, we will see a rise in hydropower relicensing with over 440 scheduled to start the licensing process by 2035. We request the committee support reporting language that makes cost recovery for agencies at NOAA Fisheries Hydropower Program more explicit and efficient so they can continue providing technical assistance, staffing, and capacity for the relicensing process that are in the pipeline. Specifically, we ask the committee to support language on the disposition of charges arising from licenses. Currently, during the relicensing process charges are returned to the U.S. Treasury instead of to NOAA Fisheries Hydropower Program which could then use the funds dedicated for hydropower to support workloads for upcoming relicenses. We must do more to empower NOAA Fisheries Hydropower Program to keep their funding for future projects, so they can better prepare and provide the much-needed expertise for the wave of relicenses that are incoming. Direct cost recovery would be a major benefit to the hydropower programs, however additional funding is likely necessary for the programs to work with the full suite of hydropower projects to conserve and restore the migratory fish affected by them.

CONCLUSION

Thank you for your consideration of these funding requests, and for your leadership on appropriations. We look forward to working with you to support these opportunities to restore and protect rivers across America. Please contact Jaime D. Sigaran, Associate Director, Policy and Government Relations (jsigaran@americanrivers.org) with any questions.

PREPARED STATEMENT OF THE AMERICAN SOCIETY FOR MICROBIOLOGY

The American Society for Microbiology (ASM) urges Congress to increase funding for the National Science Foundation (NSF) to $11.9 billion in fiscal year (FY) 2025. This is consistent with the Coalition for National Science Funding, of which ASM is a member. The Biden Administration's FY25 Budget Request proposed $8.045 bil-

lion for Research and Related Activities within NSF. ASM requests that Congress allocates at least $8.045 billion for Research and Related Activities at NSF for FY25. We also request Congress support funding of at least $863 million for the Directorate for Biological Sciences, in line with the FY25 PBR. We also request full funding for the White House Office of Science and Technology Policy (OSTP).

ASM appreciates the opportunity to submit outside witness testimony for the Fiscal Year 2025 Commerce, Justice, Science and Related Agencies appropriations bill. Established in 1899, ASM is the home for microbial scientists from around the globe to connect, learn, discover, and prepare for the future. ASM is one of the oldest and largest single life science societies with 36,000 members in the U.S. and around the world, whose mission is to promote and advance the microbial sciences. We connect with millions of experts and harness their science to serve humanity to solve the world's most pressing problems. This includes utilizing microbes to create goods and services that contribute to agriculture, health, security, manufacturing, and resilience to climate change, including natural and anthropogenic disaster prevention and mitigation.

SUPPORTING THE MICROBIAL SCIENCES AT NSF

The National Science Foundation is a key supporter of microbiology research, including foundational research supporting ecosystems and biodiversity, mapping the microbiome, and discovering emerging pathogens. NSF-funded researchers across the country are working to improve lives through research on human and animal health, agriculture, energy and the environment, and biothreats. Fundamental research supported by NSF will enable new discoveries and solutions using biotechnology to promote the bioeconomy, forecasting and mitigating the impacts of global warming on essential ecosystem services, and predicting and preventing the emergence and spread of infectious diseases. Basic research funded by NSF advances our understanding of 70% of emerging human pathogens that have non-human origins, which pose serious threats to human health and global health security. To continue to achieve its goals, it is critical that the FY2025 appropriations bill funds NSF at $11.9 billion.

The Directorate for Biological Sciences at NSF supports fundamental research and infrastructure that promotes a unified understanding of all forms of life and at all scales. It is crucial for Congress to support all divisions within the Directorate for Biological Sciences, including the Division of Integrative Organismal Systems (IOS) and the Division of Molecular and Cellular Biosciences (MCB). The IOS supports fundamental research and training on phenotypic characteristics of diverse organisms, prioritizing an understanding of the processes that build and maintain diverse organisms. The Developmental Systems program within IOS supports research on the interactions of organisms including plant, fungal, and microbial development. An increased understanding of the developmental processes of microbes in plants is vital to building resilience to a changing climate.

The MCB supports research to uncover the basic principles of cellular function at the molecular level, including how information content in cells is maintained and transmitted to the next generation and guides expression of cellular characteristics. As well as how energy is absorbed, transformed, and flows through biological systems. The Cellular Dynamics and Function program within MCB supports research aimed at mechanistic understanding of the structure, function, and evolution of cellular and subcellular systems. This includes research into the fundamental biology of microbes. Microorganisms, including bacteria, archaea, viruses, fungi, prions, protozoa and algae play important roles in everything from human growth and development to food production and climate change. An increased understanding of the characteristics of organisms through the IOS and MCB has a profound positive impact on the key emerging industry of biotechnology. This includes harnessing the microbiome to foster human, animal, and planetary health.

NSF funding is also critical to ensure our scientific workforce is prepared to lead the world in the emerging technologies that are key to our health, safety, and security. ASM was pleased to see the bi-partisan CHIPS and Science Act authorized $15.7 billion for the NSF in FY2024 and helps to address various STEM initiatives including Combating Sexual Harassment in Science Act, the Bioeconomy Research and Development Act, the Department of Energy Science for the Future Act, and the NSF for the Future Act. The legislation also directs Federal agencies to support research in core areas of interest identified in ASM's policy principles, including:

—Bioenergy, bioproducts and new energy technologies.
—Research to combat the climate crisis.
—Foundational functional systems biology research.
—Microbiome and microbial communities.

—The development of a national genomic sequencing strategy.

The CHIPS and Science Act also addresses growing workforce gaps in emerging technology areas by expanding its efforts in STEM education and broadening participation programs and advancing many priorities in foundational research and infrastructure programs. Prior to the enactment of the CHIPS and Science Act, NSF was unable to fund more than $2 billion worth of research proposals rated "very good or higher" each fiscal year. It is imperative that the rest of NSF see sustainable growth. New efforts can only be successful when built on a strong foundational research enterprise that supports research, education, and infrastructure to sustain our science and technology ecosystem.

Federal research agencies like NSF must focus on supporting programs to better recruit, develop, and sustain the microbial sciences research workforce. Congress has a role to play by providing the funding necessary to support training and early-career opportunities at NSF. To alleviate shocks in the microbiology workforce that is so critically needed, as the next public health scare could be right around the corner, we must support all individuals who wish to enter the microbial sciences workforce.

SUPPORT OSTP'S ROLE IN ADVANCING THE MICROBIAL SCIENCES

ASM supports full funding for the White House Office of Science and Technology Policy to strengthen and advance the American science and technology enterprise. This includes working with Federal departments and agencies and with Congress to create unified strategies and effective programs to advance science and technology. Formerly, the Microbiome Interagency Working Group (MIWG) within OSTP provided overall guidance and direction for microbiome research across the Federal Government agencies. The Interagency Strategic Plan for Microbiome Research FY2018–2022, developed by the Microbiome Interagency Working Group, provided recommendations for improving coordination of microbiome research among Federal agencies and between agencies and non-Federal domestic and international microbiome research efforts. The 5-year Strategic Plan coordinated microbiome research activities across 21 government agencies, describing the interagency objectives, structure and operating principles, and research focus areas.

ASM is grateful for the inclusion of language in the final FY24 Commerce Justice, Science, and Related Agencies report regarding the continuation of the MIWG and an updated strategic plan. With the requisite Federal support, we can further scientific understanding of the microbiome and its functions and lead to the diverse application of discovery in biomedical, agricultural, built environment, atmospheric sciences, and national defense. Microbiome research aims to advance understanding of microbial communities and how they interact with the world around us. Today it is understood that microbial communities exist on, in, and around people, plants, animals, and the environment and have symbiotic relationships that support immunity and protect against disease.

Initiatives of the OSTP impact microbiology overall, including implementation of oversight of Dual Use Research of Concern and Pathogens with Enhanced Pandemic Potential. ASM recognizes the importance of cutting-edge research on human, animal, and plant microbes. As well as our responsibility as scientists to minimize the risks associated with our experiments, ensure the safety of the facilities in which they take place and the confidence of the public in the scientific community. The guidance expands the scope of research subject to enhanced oversight and outlines a risk-based approach to DURC/PEPP policy; without adequate funding for OSTP, implementation of the guidance is at risk.

OSTP is also tasked with reports and implementation of the bioeconomy Executive Order to advance biotechnology and biomanufacturing towards innovative solutions in health, climate change, energy, food security, agriculture, supply chain resilience, and national and economic security. In late March, the OSTP announced the creation of the National Bioeconomy Board to work with partners across the public and private sectors to advance societal well-being, national security, sustainability, economic productivity, and competitiveness through biotechnology and biomanufacturing. Microbes serve as the ultimate organisms for research that generate breakthrough technologies from recombinant DNA technology, CRISPR gene editing, and more. ASM asks Congress to fully fund OSTP to support their ongoing work in advancing the bioeconomy and harnessing the role of microbes in growing American biotechnology and biomanufacturing.

CONCLUSION

Fully funding research within the Commerce, Justice, Science and Related Agencies appropriations bill drives discovery, spurs innovation, and improves the health

of animals, humans, the environment, and the economy. This includes supporting research at the National Science Foundation to advance the understanding of microbes. ASM asks Congress to fund the National Science Foundation at $11.9 billion for FY25. ASM also requests full funding for the White House Office of Science and Technology Policy to advance the microbial sciences to strengthen the United States science and technology enterprise.

[This statement was submitted by Amalia Corby, Director of Federal Affairs.]

PREPARED STATEMENT OF AMERICAN SOCIETY OF AGRONOMY

Dear Chairman Shaheen and Ranking Member Moran:

The American Society of Agronomy (ASA), Crop Science Society of America (CSSA), and Soil Science Society of America (SSSA) represent more than 8,000 scientists and students, 13,500 Certified Crop Advisers (CCA), and more than 700 Certified Professional Soil Scientist (CPSS). We are the largest coalition of scientists and professionals dedicated to the agronomic, crop, and soil science disciplines in the United States.

In the coming decades, our agricultural system must sustainably produce food and fuel for a rapidly growing global population. The Nation's economic prosperity and security depend on our dedication to developing innovative, science-based solutions to address the challenges facing our food system. We appreciate the appropriations the National Science Foundation (NSF) received in fiscal year (FY) 2023. Yet, as our Nation's producers face increasing extreme weather, limited resources, and market uncertainty, NSF's programs become even more important providers of the science they need to stay in business. In order to leverage NSF's core programs, cross-directorate initiatives, and support for the future STEM workforce, increased investments are required.

We support $11.9 billion for the National Science Foundation for the fiscal year 2025. Recognizing the need for a renewed focus on competitiveness and national security, Congress passed the historic CHIPS and Science Act with bipartisan support. The legislation authorizes major growth for NSF's new Technology, Innovation, and Partnerships (TIP) Directorate, expanded workforce programs, and emerging priorities across the foundation. Congress must now deliver funding for NSF to meet the ambitious goals that the law envisions.

Proposed as a new mechanism for advancing use-inspired and translational research, the TIP Directorate was created to address our most pressing national challenges from climate change to national security to STEM workforce development. However, NSF requires substantial new resources to meet the growing demand for technology development and expanding the geography of innovation. TIP has the potential to transform regional economies around critical technology areas, but it needs major growth to meet demonstrated demand.

Within the TIP Directorate, the Convergence Accelerator program puts systems thinking into research practice. Agriculture researchers are uniquely aware of the multiple disciplines, technologies, and expertise necessary to produce realistic and useful information for producers working in large, multi-faceted outdoor systems. From water management to precision agriculture, this program provides support for exactly the kind of systems-level research successful agriculture requires.

NSF's core programs, especially the Biology and Geoscience Directorates, provide the critical research foundation upon which innovations of the future are built. Robust support for scientific disciplines, such as biology, plant science, chemistry, and soil science will empower our Nation's farmers, ranchers, and landowners to make informed decisions grounded in science-based knowledge and support technologies and innovations of the future to meet productivity and sustainability goals.

Science is essential. A strong commitment to federally funded scientific research will boost the Nation's capacity for innovation, productivity, and economic prosperity.

Thank you for your consideration. For additional information or to learn more about ASA, CSSA, and SSSA, please contact Luther Smith, lsmith@sciencesocieties.org.

Sincerely,

Jim Cudahy, CEO

PREPARED STATEMENT OF 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 $11.9 billion for the National Science Foundation (NSF) for fiscal year (FY) 2025. ASPB recognizes the difficult fiscal environment our Nation faces, but we believe that sustained investments in scientific research are a critical step toward economic recovery and continued global competitive innovation for our Nation. ASPB would also like to thank the subcommittee for its consideration of this testimony and for its strong support for the research missions of NSF.

ASPB, founded in 1924 as the American Society of Plant Physiologists, was established to promote the growth and development of plant biology, to encourage and publish research in plant biology, and to promote the interests and professional advancement of plant scientists in general. ASPB members educate, mentor, advise, and nurture future generations of plant biologists; they work to increase the understanding of plant biology, as well as science in general, in K–16 schools and among the general public; they advocate in support of plant biology research; they work to convey the relevance and importance of plant biology; and they provide expertise in policy decisions world-wide.

FOOD, FUEL, ENVIRONMENT, AND HEALTH: PLANT BIOLOGY RESEARCH AND AMERICA'S FUTURE

Plant biology research is at the foundation of a robust American bioeconomy. Plant science has become the backbone of agricultural innovation, and a thriving agricultural sector is a cornerstone for America's economic success. Agriculture and related industries comprise 6 percent of the U.S. GDP, contributing nearly $1.530 trillion and 19.6 million jobs the economy.[1] In fact, despite persistent U.S. trade deficits, there has been a surplus in agricultural trade since 1960. Steady and dramatic increases in yield have made these surpluses possible, even in the face of sustained global population growth. These increases were not due to increasing areas of farmland. On the contrary, they are directly tied to improvements in crop seeds and agricultural innovations that rely on sustained research in crop science and plant biology. For these yields to continue, critical investments are needed in basic biological sciences, as well as the translational science that brings the fruits of basic science to real-world applications.

Plant biology is at the nexus of numerous scientific breakthroughs. The NSF has supported high throughput experimental approaches that facilitate extraordinary syntheses of information, and plant biologists are using computer science and bioinformatics to make tremendous strides in our understanding of complex biological systems, ranging from single cells to entire ecosystems. Ultimately, understanding how plants function will enable biotechnological and synthetic biology approaches toward better and more productive crops, new sources of fuel, and the development of novel 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 mitigating the climate crisis and maintaining food and energy security, Federal investments in fundamental plant biology research are modest. Nevertheless, scientists have maximized and leveraged this funding to discover many of the basic functions and mechanisms of plants, providing a foundation for vital advances in practical applications in 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 the scientific disciplines NSF supports. As scientific research becomes increasingly interdisciplinary, a diverse research 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 fundamental and translational 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 most 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 to the biosphere levels. These investments have significant payoffs, both in terms of the

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

knowledge directly generated and in deepening collaborations and fostering innovation among communities of scientists.

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.

Without significant increases in support for BIO and NSF, promising fundamental research discoveries will be delayed and vital collaborations at the leading edges of scientific disciplines will be postponed, thus limiting our Nation's 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 U.S. on the global stage. Considering the increased investiture in agricultural research in China, Brazil, India, the EU, and other major trade partners, the U.S. cannot afford to cede its premier position in the basic research that underpins advances in our agricultural sector.

ASPB supports the new Directorate for Technology, Innovation, and Partnerships (TIP) and its goal to advance science and engineering research and innovation. This Directorate is accelerating basic and translational research to solve national and societal problems. TIP is supporting use-inspired research in biotechnology, among other areas, and is propelling NSF's discoveries to new levels of innovation. TIP is also funding activities in priority areas such as climate resilience and energy sufficiency, advanced wireless research, biotechnology, microelectronics and semiconductors, advanced manufacturing, AI, and quantum sciences. Programs that broaden participation in STEM would also see major growth, and ASPB strongly supports NSF programs that build research capacity at emerging research institutions.

CONTINUED SUPPORT FOR NSF EDUCATION AND WORKFORCE DEVELOPMENT PROGRAMS

As discussed above, among the challenges brought by a changing world, many will be addressed specifically by plant scientists. For example, a significant increase in crop productivity will be needed to match the demand for food expected from global population growth. Climate change will present new challenges for crops and other plant ecosystems. Fuels and biomedical chemicals will need to be obtained from renewable sources. Addressing these challenges requires that we deploy all available tools and information and must involve a strong and diverse community of plant scientists, with increased involvement from underrepresented scientists, including women and those from historically excluded groups, who often bring innovative perspectives.

However, current training pathways do not appear prepared to ensure the availability of this workforce. The number of Ph.D. degrees awarded in the U.S. in the biomedical sciences in the last two decades has increased substantially,[2] but the number of plant science doctoral degrees, both basic and agronomy-related, has remained stagnant during this period.[3] Students gravitate towards fields with reliable and robust career and earning opportunities. The academic plant sciences are bleeding talent because grants are small and unreliable and salaries uncompetitive. Increased funding for the NSF will allow for increased salaries that will retain talent.

What is necessary to change these trends is a strong investment in plant science research, basic and applied; renewed efforts to transform public perception of plant biology and plant biologists; and a push to increase the number of students on plant science training pathways. Developing the workforce that will solve future challenges is urgent.

NSF 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 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), the Research and Mentoring for Postbaccalaureates in Biological Sciences (RaMP), and the Faculty Early Career De-

---

[2] National Academies of Sciences, Engineering, and Medicine. 2018. The Next Generation of Biomedical and Behavioral Sciences Researchers: Breaking Through. Washington, DC: The National Academies Press. https://doi.org/10.17226/25008.

[3] National Center for Science and Engineering Statistics, Survey of Earned Doctorates. https://ncsesdata.nsf.gov/builder/sed?type=chart&convert=1.

velopment (CAREER) programs—thereby providing continuity in funding opportunities for the country's most promising early career scientists.

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. 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 better reflects the demographics of the U.S. population.

ASPB urges support for research that enhances our understanding of how educational innovations can be sustainably and effectively implemented. NSF Education and Human Resources (EHR) 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 EHR portfolio with a focus on understanding how previous investments in educational strategies can be made most effective.

Additionally, ASPB supports the Space Biology Program in the Biological and Physical Sciences program at NASA. NASA supports fundamental plant research that improves crops on Earth even as it pushes the frontiers of space. For example, NASA funding to support the smaller stature of plants suitable to grow in the confined spaces of a spaceship are also useful in Controlled Environment Agriculture and vertical farming. Separately, NASA's Thrive In DEep Space (TIDES) initiative will fund nine plant biology experiments to determine how to efficiently grow crops in lunar dust, which is crucial as humans move toward moon habitation but also applies to crops grown in marginal lands on Earth. ASPB requests the subcommittee's support for continued investment in NASA for plant biology research that will grow our Nation's agricultural sector and extend our reach in space.

Grand research challenges will not be solved in a year, an administration, or a generation. Addressing them require sustained attention and investment at Federal research agencies, such as the NSF, over decades.

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

[This statement was submitted by Crispin Taylor, PhD, Chief Executive Officer.]

PREPARED STATEMENT OF ANIMAL WELFARE INSTITUTE

Thank you for the opportunity to submit testimony on Fiscal Year 2025 funding priorities for the U.S. Department of Commerce (DOC) and the U.S. Department of Justice (DOJ).

U.S. DEPARTMENT OF COMMERCE

North Atlantic Right Whales $65 million

In 2020, North Atlantic right whales were designated critically endangered by the International Union for Conservation of Nature (IUCN). Elevated mortalities of the species from entanglements in fishing gear and vessel strikes have been declared an Unusual Mortality Event (UME) by the National Oceanic and Atmospheric Administration (NOAA) since 2017. The annual documented rate of anthropogenic mortality and serious injury due to both entanglement in gear and vessel strikes has exceeded the population's potential biological removal level (PBR) since 1995.

With only about 360 North Atlantic right whales left as of 2023, and of those fewer than 70 reproductive females, this species could be effectively extinct within our lifetime. Right whales are extremely vulnerable to being caught in the vertical buoy lines used in lobster and crab trapping gear. Entanglement can lead to drowning, reduced mobility, and, in some cases, a long, painful death from starvation. Collisions with vessels of all sizes can also cause serious injuries, such as blunt force trauma, propeller cuts, and broken bones. On March 30, 2024, a dead North Atlantic right whale, identified as 35-year-old female #1950, was discovered 50 miles off the coast of Virginia. Her death marks the 40th mortality in the ongoing UME. Her dependent three-month old calf was the sixth calf she had produced during her life and is unfortunately also presumed dead, unable to survive without its mother. This mother and her calf mark the sixth and seventh presumed North Atlantic right whale deaths over the first 3 months of 2024, a total that includes other calves who haven't been spotted with their mothers. The best available science also shows that two-thirds of right whale deaths go undetected, meaning that these observed deaths and injuries are a dramatic undercount of what the population suffers.

Studies have shown that mortalities from known entanglements have continued to increase from 21 percent (1970–2002) to 51 percent (2003–2018).[1] Entanglements caused as many as 85 percent of diagnosable deaths from 2010 to 2015. In February 2021, a study co-authored by leading North Atlantic right whale scientists found that from 1990–2017, observed carcasses only accounted for 36 percent of North Atlantic right whale mortalities.[2] These "cryptic mortalities," i.e., deaths caused by human activities without an observed carcass, represent a larger proportion of the total mortality than previously believed.

The FY24 appropriations minibus included $4 million above the FY23 enacted level for North Atlantic right whales within the Marine Mammals, Sea Turtles, and Other Species line item. Within this funding, the Committee supports the use of supplementary funds previously provided to NOAA for purposes including innovative gear research, acoustic monitoring, and satellite tracking. NOAA was further directed to continue to support disentanglement, stranding response, and necropsy activities. Another $30 million was provided to States through the Atlantic States Marine Fisheries Commission (ASMFC) to cover costs associated with testing or voluntary implementation of innovative gear to inform future Atlantic Large Whale Take Reduction Plan (ALWTRP) (FR–210827–0171). We are immensely grateful for the subcommittee's concern for this species and the substantial increase in funding but remain deeply concerned with the effectiveness of the 2021 rule, in that it falls significantly short of the risk reduction needed to save this species from extinction.

Within our proposal of $65 million, we believe funding should be appropriated to NOAA to develop and implement new rules aimed at reducing the mortality rate of North Atlantic right whales by vessel strikes, fishing-gear entanglements, and other threats. There must also be an investment in reducing vessel-strike risk in high-traffic areas and transitioning to whale-safe fishing gear. We believe the pilot program to refine and field tests innovative fishing gear technologies, such as ropeless gear, should be expanded, including developing geolocation technologies. We recommend $9 million be appropriated towards this. Lastly, surveys and monitoring, enforcement, disentanglement, stranding response, and plankton recorder surveys are crucial to the conservation of this species.

We encourage Congress to direct investment to the development of ropeless technologies instead of expensive, short-term investments in "weak rope." The use of 1,700-lb breaking strength lines (known as "weak rope") may decrease the severity of entanglement injuries suffered by right whales but does not reduce the likelihood of entanglement in the first place nor the sub-lethal impacts of entanglement on whales. This gear also does not reduce the risk of serious injury or mortality for right whales who are less than 2 years old.[3]

If we are to save this species, it will require investment and cooperation among Congress, agencies, scientists, and industry to find long-term solutions. We appreciate the subcommittee's recognition of the urgency of this situation and the funding it continues to provide for the protection of North Atlantic right whales.

Unusual Mortality Event Contingency Fund $6.5 million

Marine mammals are important indicator species of ocean health. Monitoring the health of marine mammals, especially during an Unusual Mortality Event (UME), can reveal emerging threats, potential impacts of human activities, and the effectiveness of management actions. A UME is defined as "a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands immediate response." There are currently four active UMEs—Atlantic Florida Manatee, Atlantic Minke Whale, North Atlantic Right Whale, and Atlantic Humpback Whale. In the 2021 declared UME, the Atlantic Florida manatee, over 2,455 manatees have died. Rescue organizations are hampered by the lack of facilities and funds for responding to overwhelming numbers of live manatees in need of rescue and rehabilitation.

Since 1991, 72 marine mammal UMEs have been declared. The UME Contingency Fund was established through the Marine Mammal Protection Act to enable the National Marine Fisheries Service to reimburse marine mammal stranding network partners for costs related to caring for and treating live animals that strand as part of UMEs; collecting, preparing, and sending biological samples to the National Marine Mammal Tissue Bank and other diagnostic laboratories to investigate the

[1] Sharp, S, et.al (2019). Gross and histopathologic diagnoses from North Atlantic right whale Eubalaena glacialis mortalities between 2003 and 2018. Diseases of Aquatic Organisms, 135(1), 1–31. doi:10.3354/dao03376)

[2] Pace, R. et al. (2021). Cryptic mortality of North Atlantic right whales. Conservation Science and Practice. 3. 10.1111/csp2.346.

[3] Knowlton et al. (2016).

causes of UMEs; and collecting important marine mammal health data to inform and improve future UME responses and marine conservation. Although Congress created this fund in 1992, it has only appropriated funds in 2005; all other contributions to the Fund have been through voluntary contributions. In the FY23 House Appropriations CJS Bill and Report, $2M was allocated to this Fund, while the Senate CJS subcommittee, via report language, encouraged NMFS to request funding. In the FY24 appropriations minibus, the joint explanatory statement included language that encouraged NMFS to request the funding. Considering the significant number of active UMEs, $6.5 million should be allocated to the Unusual Mortality Event Contingency fund to enable robust marine mammal stranding response efforts.

John H. Prescott Marine Mammal Rescue Assistance Grant Program $10 million

The John H. Prescott Marine Mammal Rescue Assistance Grant Program (Prescott Grant Program), a program under NMFS, provides competitive grants to marine mammal stranding network organizations to do the following: (1) rescue and rehabilitate sick, injured, or distressed live marine mammals, and (2) investigate the events surrounding, and determine the cause of, the death or injury of marine mammals. Over the past 23 years, the Prescott Grant Program has been vital to protecting and recovering marine mammals across the country while also generating critical information regarding marine mammals and their environment. As the sole source of Federal funding for the National Marine Mammal Stranding Network, which is comprised of over 120 member organizations in 26 States, the District of Columbia, two territories, and three Tribes, robust funding is required for the Prescott Grant Program to enable it to continue its vital work.

Enforcement and Seafood Import Monitoring Program (SIMP) $13 million

The Seafood Import Monitoring Program (SIMP) was established in 2016 to require U.S. importers of certain fish and fish products to provide and report key data, with the aim of uncovering illegal, unreported, and unregulated (IUU) fishing and/or seafood fraud and preventing it from entering U.S. commerce. The program oversees imports of 13 species groups (which are comprised of more than 1,100 unique species), including sharks and sea cucumbers, two marine species that are increasingly threatened by IUU fishing. The 2019 addition of shrimp has had implications for the critically endangered vaquita, of which only about 10 remain. The use of illegal gillnets for catching shrimp in the Gulf of California, and the subsequent bycatch of vaquitas, has been a major factor in the species' decline.

A 2021 report, "*Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries*," compiled by the U.S. International Trade Commission, found that $2.4 billion worth of seafood imports derived from IUU fishing was imported in 2019 (11 percent of total seafood imports). Over 13 percent of the U.S. imports caught at sea were estimated to be caught using IUU fishing practices. Top species included swimming crab, wild-caught warm water shrimp, yellowfin tuna, and squid. The report noted that IUU-sourced seafood is a threat to the livelihood of U.S. fishermen. These practices also pose risks to marine ecosystems, public health, and human rights.

In January 2020, the U.S. government allocated $8 million to fight IUU fishing and bolster SIMP as part of the U.S.-Mexico-Canada trade agreement (USMCA) approved in January 2021. As part of the agreement, funding will go to NOAA to help it cooperate with the Mexican government in fighting illegal fishing through 2023. In FY22, SIMP received a $5.2M appropriation, and in FY23 and FY24, funding increased to $6.2M. As NOAA works to expand the Seafood Import Monitoring Program to additional at-risk species, additional funding of $13 million is necessary to ensure full implementation in FY25.

Marine Mammal Commission (MMC) $9 million

The Marine Mammal Commission (MMC) is an independent Federal agency established by Congress in 1972 under the Marine Mammal Protection Act (MMPA). It is responsible for overseeing the proper implementation of the MMPA and provides comprehensive, independent, science-based oversight of all Federal and international policy and management actions affecting marine mammals. The MMC's work is crucial to maintaining healthy populations of marine mammals, including whales, manatees, dolphins, seals, sea otters, walruses, and polar bears, and ensuring their survival for generations to come. Additionally, the MMC seeks to ensure that Alaska Natives can meet their subsistence needs through hunting of marine mammals.

Each U.S. taxpayer annually contributes just over 1 center to fund the MMC and its work. Between FY15 and FY21, the MMC was flat-funded at $3.43 million. In FY 2022, funding for the MMC was slightly increased by $300,000, and in FY23 and

FY24, the MMC funded at $4.5 million. Unfortunately, however, due to rising fixed costs, the MMC has absorbed significant essential costs (salaries, rent, etc.), thereby reducing its discretionary funding. In order for the MMC to fully fulfill its obligations and mission work, we ask that $9 million be appropriated for FY25.

U.S. DEPARTMENT OF JUSTICE

Environment and Natural Resources Division/Environmental Crimes Section Additional $2 million

AWI asks the subcommittee to provide an additional $2 million, over and above the amount that would otherwise be appropriated, to the Environmental Crimes Section of the Department of Justice's Environment and Natural Resources Division, to be designated for the Section's work on animal cruelty crime.

In the last decade, Congress has taken significant steps to strengthen Federal laws to protect animals from cruel treatment. For those efforts to be meaningful, it is imperative that the Federal Government's enforcement efforts be robustly supported. The attorneys in the Environmental Crimes Section are tasked with ensuring that justice is served when the Federal statutes and enforcement regimes that provide for the humane treatment of captive, farmed, and companion animals across the country are violated. These laws include the Animal Welfare Act, the Horse Protection Act, the Humane Methods of Slaughter Act, the 28–Hour Law, the animal crush video statute, the Animal Fighting Venture Prohibition Act, and, since 2019, the Preventing Animal Cruelty and Torture Act.

This is a tremendous amount of responsibility, and it is a responsibility that both Congress and the American public expect to be executed vigorously. The resources available to bring criminal prosecution under these laws have not kept pace with the improvements made in the laws. Given the increased workload the Section has taken on in just the last couple of years, a $2 million increase in its funding for its work on animal cruelty crimes is warranted.

[This statement was submitted by Ericca Gandolfo, Policy Advisor, Government Affairs.]

PREPARED STATEMENT OF ARTIE ANN BATES, MD, PSYCHIATRIST

I am requesting that you rescind the $506 million in funding reserved for the Bureau of Prison's (BOP) planned Letcher County, KY facility in the Department of Justice-Buildings and Facilities, Federal Prison System, Justice account because this prison will be placed in a mental health manpower shortage area. It will overload local mental healthcare services and place incarcerated people and prison staff at higher risk of depression, substance use and suicide.

The BOP does not appear to plan for this. They released their Draft Environmental Impact Statement (DEIS) for FCI/FPC Letcher 2024 on March 1, 2024, but, other than a brief reference to the First Step Act, BOP does not mention the mental health needs of incarcerated people, prison staff, or the Letcher community. This massive Federal project wherein the ground clearing alone will cost $466,203,000 of the appropriated $506 million, offers no discussion of how BOP will approach the vast and severe mental health needs within its walls or in the Letcher community.

With a price tag more expensive than any other United States Federal prison, it would be placed in a geographic area where, according to a 2018 report by the American Psychiatric Association (APA) "Appalachians have disproportionately higher rates of mental health problems, compared to the U.S. population." Yet, "the number of mental healthcare professionals per 100,000 residents was 35% lower than the National average. In the southern and north central sub-regions of Appalachia, it further decreases to 50% fewer mental healthcare professionals than the National average."

But within Federal prisons, there already exists a mental health manpower shortage. Director Collette Peters' testified in a recent hearing that, "Systemwide, clinical healthcare professionals are staffed at approximately 80%. At individual institutions, healthcare staffing rates range from fully staffed to less than 50%," thus, the BOP has difficulty maintaining a healthcare manpower team for medical and mental illness treatment. Why then place a Federal prison somewhere the mental health manpower shortage exacerbates the rates of mental illnesses?

In areas like Letcher County in rural Central Appalachia there is a "lower supply of mental health providers than the National average," per the Appalachian Regional Commission (ARC). As the ARC report States, "most mental health professionals practice in metropolitan counties," yet, BOP has placed Federal prisons in three of the 5th District's distressed southeastern Kentucky counties. FCI Letcher

would be yet another prison in a "distressed" county, and the ARC reports that the "supply of mental health providers in the Appalachian Region's distressed counties is six percent lower than the supply in non-distressed counties." In fact, ARC States, "There are 130 mental health providers per 100,000 population in the Appalachian Region, which is 35 percent lower than the National average of 201 per 100,000 population." And "All five Appalachian subregions have a lower supply of mental health providers than the National average."

Director Peters has no magic wand, therefore seeking services from outside providers will likely be necessary, yet these at-risk individuals will be placed where, per the APA, "The region's suicide rate is 17% higher than the National rate, and residents in Appalachia's rural counties are 21% more likely to commit suicide than those living in the region's large metro counties." In fact, a recent General Accounting Office report, submitted to the Senate Homeland Security Committee, listed the eight Federal prisons with the highest rates of staff suicides for 1997–2019, and Manchester FCI, in nearby Clay County, Kentucky, is on that list. It, like Letcher County, is in Kentucky's 5th Congressional district.

And within Federal prisons, BOP Director Collette Peters' testified in September 2023 in an address to the Senate Judiciary Committee, that "As corrections professionals, we have known for decades that we are a health care organization." She says, "For instance, of those under our care 27.6% experience mental health conditions compared to 22.8% of the U.S. general population . . . individuals in our care meeting the clinical criteria for one or more substance use disorders is significantly higher in the FBOP population, at 31.8%, when compared to 16.5% in the general U.S. population." With those statistics, the BOP must seriously address, up front, how they will provide treatment for mental illness and substance misuse, including for its staff, while in a mental healthcare shortage area, as these conditions lead to higher rates of suicide.

A DOJ OIG report in February 2024 States that from FY 2014–2021, "inmate suicides . . . accounted for just over half of the 344 inmate deaths we reviewed." That's over 172 suicides in Federal prisons in a seven-year period. The OIG found "potentially inappropriate Mental Health Care Level assignments for some inmates who later died by suicide." Further, this OIG report States that "one or more other longstanding operational challenges-staffing shortages; an outdated security camera system; staff failure to follow BOP policies and procedures; and an ineffective, untimely staff disciplinary process-were contributing factors in many of the inmate deaths . . . These challenges continue to present a significant and critical threat to the BOP's safe and humane management of the inmates in its care and custody."

The APA attests that "According to the Prison Policy Initiative, over 40% of people in jails and prisons have been diagnosed with a mental health disorder . . . (and) incarceration is associated with subsequent depression and bipolar disorder. Additionally, placing individuals in solitary confinement, particularly if they have severe mental illness, can be very detrimental psychologically." And racially, "Black people make up only 13% of the U.S. population but 38% of people in prisons and . . . are more likely to be arrested than white Americans with mental health disorders."

In fact, the American Psychological Association quotes a US Department of Justice (DOJ) 2017 report that also exceeds Director Peters' quote, saying that approximately "37 percent of people in prison have a history of mental health problems . . . More than 24 percent have been previously diagnosed with major depressive order, 17 percent with bipolar disorder, 13 percent with a personality disorder and 12 percent with post-traumatic stress disorder." And that the "percentage of (incarcerated people) with mental illness . . . increased, with rates more than quadrupling from 1998 to 2006." The increase is due, in part, to the "Deinstitutionalization of mentally ill individuals, which began in the 1960s . . . as mental hospitals across the country closed their doors."

Chair of the Department of Psychiatry at George Washington University, James Griffith, M.D. says of Central Appalachia that it is " . . . a region that was literally raped by coal and lumber companies while the rest of the country stood by and did nothing." This history of exploitation was not limited to coal and timber. Central Appalachia was targeted by opioid manufacturers such as Purdue Pharma. The APA's Health Disparities report references that there was "deliberate targeting of Appalachia by the pharmaceutical manufacturers of opioids with increased advertising and provision of samples," particularly oxycontin. This opioid was eventually limited, after many deaths by overdose, or as the ARC calls it, "Poisoning Mortality," but then fentanyl emerged, as described by the KY Office of Drug Control Policy (ODCP).

Published in its 2021 Overdose Fatality Report, the ODCP reports that of the 2,250 drug overdose deaths in Kentucky, that an "opioid was involved in 90%" of

the cases, fentanyl was "identified" in "72.8%" and methamphetamine was "identified" in "47.8% of the total drug overdose deaths." By county, while Letcher was not one of the five "with the Highest Rates of Drug Overdose Deaths in 2021," two of the five are adjoining counties: Knott and Perry. In fact, four of the five counties with the highest rates of death by drug overdose are in KY's 5th congressional district, the location of FCI/FPC Letcher.

Addressing how community addiction disorders affect prisons, Director Peters States in her Senate Judiciary testimony in September 2023 that "Opioid Use Disorder (OUD), in particular, affects approximately 2.7 million Americans and thus presents a significant challenge within our facilities. From a security perspective, dangerous substances like illicitly made fentanyl can pose a health risk to FBOP employees and those in our custody . . . (thus)we have incorporated evidence-based treatments like Medications for Opioid Use Disorder (MOUD) and substance use disorder treatment programming." But the OIG report States "Our site visits to three different institutions also yielded evidence of understaffing, particularly in the critical areas of Health Services and Psychology Services . . . Separately, another Staff Psychologist who administered the Medication Assisted Treatment (MAT) Program there told us that he could not administer MAT to every inmate who qualified for the program because there were not enough clinicians or medical staff to prescribe and administer the medication."

A Marchall Project report in December, 2022 found that "Forty-seven (47) incarcerated people died of overdoses in Federal prison from 2019 through 2021 . . . The data does not specify how many of these overdose deaths were caused by opioids and could have been prevented by medications like Suboxone. However, . . . During the same period, correctional staff administered Narcan—a drug that reverses opioid overdoses—almost 600 times in Federal prisons." This same report says, regarding First Step Act implementation, that the BOP is "treating only a fraction-less than 10%-of the roughly 15,000 prisoners who need it."

If the BOP examined the data in Kentucky and Letcher County, they don't say so in their DEIS. The ARC in their Creating a Culture of Health in Appalachia studies, with data from the National Center for Health Statistics, reports that "The poisoning mortality rate in the Appalachian Region is 37 percent higher than the National rate. All five Appalachian subregions have higher poisoning mortality rates than the National rate. The poisoning mortality rate in Central Appalachia is 146 percent higher than the Nation as a whole." ARC affirms the "struggle of many Appalachian communities in addressing drug dependence and other related issues-especially in southern West Virginia and eastern Kentucky-has been well-documented by the National media." While Kentucky's 2021 Overdose Fatality Report reported that Letcher County had "16" overdose deaths for that entire year, our local weekly newspaper, The Mountain Eagle, (ME) documents that in the first 7 months of 2023 we had "19" deaths which the county coroner attributed to drugs.

In conclusion, as a physician in Letcher County, my concerns include those incarcerated, prison staff, and our local population. Has BOP considered that locating a prison in Letcher County will likely worsen the county's drug traffic as contraband and illicit drugs are traded both inside and outside its walls? If so, this increased drug traffic will increase the overdose deaths both inside the prison and outside. Further, if the BOP cannot provide adequate mental healthcare staffing, and must further burden local community mental health services, the transport itself can allow contact with local dealers.

Would it not make more sense, if such a prison facility is necessary, to locate it in areas with adequate mental health services and substance misuse treatments? Would it not make sense to keep these vulnerable individuals close to family and community?

Why bring a prison with distressed individuals to an area with such mental health service shortages? Is this a wise use of taxpayers' dollars?

For these reasons, I am respectfully requesting that you rescind funding allocated for the Letcher County prison project from the Buildings and Facilities account, as this project would add strain to an already strained mental health care system.

PREPARED STATEMENT OF THE ASSOCIATION OF SCIENCE AND TECHNOLOGY CENTERS, THE AMERICAN ALLIANCE OF MUSEUMS, THE ASSOCIATION OF CHILDREN'S MUSEUMS, AND THE ASSOCIATION OF SCIENCE MUSEUM DIRECTORS

Dear Chair Shaheen, Ranking Member Moran, and Members of the subcommittee:

Thank you for accepting this statement submitted by the Association of Science and Technology Centers (ASTC), the American Alliance of Museums (AAM), the Association of Children's Museums (ACM), and the Association of Science Museum Directors (ASMD).

We appreciate the opportunity to present the views of our associations to the subcommittee for its consideration as it prepares to write the Fiscal Year 2025 Commerce, Justice, Science, and Related Agencies Appropriations bill, particularly regarding the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA), and the National Oceanic and Atmospheric Administration (NOAA).

Our associations represent more than 5,000 member organizations in every State and district in America, including science centers, museums of all types, nature centers, aquariums, zoos, planetariums, botanical gardens, and natural history and children's museums, as well as companies, consultants, and other organizations that share an interest in science education and public engagement in science.

Taken together, our National reach is a vital resource for fostering rich public engagement in the importance of science and many other subjects and disciplines towards building a bright future and opportunity for all. Our place-based organizations are leading institutions in the efforts to promote education in science, technology, engineering, arts, and mathematics (STEAM), developing rich, innovative, and effective science-learning experiences. We are helping to create the future STEAM workforce and inspiring people of all ages about the wonders and the meaning of science in their lives. Our members are trusted and valued by their communities-and a recent national public opinion poll showed that museums are among the most trusted sources of information across the political spectrum, second only to friends and family-above nonprofit organizations, local and national news organizations, government, business, and social media (Museums and Trust, AAM and Wilkening Consulting, 2021).

As trusted place-based institutions, our members serve essential roles in convening their communities, advancing action on issues of local and national concern, and engaging individuals of all ages in science and technology.

REQUESTS FOR FISCAL YEAR 2025 APPROPRIATIONS

We appreciate the support that the subcommittee has provided for the Nation's science and education agencies, including support for programs of particular interest to ASTC, AAM, ACM, and ASMD.

In general, we stress the need for inclusive programs that include support for informal education, as much STEAM learning-including but not limited to school-aged youth-happens outside of formal schooling. Research has consistently shown that learning experiences outside of the formal classroom are vitally important to youth's future interest and capacity in STEAM (National Academies, 2009, 2010, 2015, 2016).

National Science Foundation (NSF)

The National Science Foundation (NSF) is one of our Nation's most important sources of support for STEM education, including many of the programs centered in the Directorate for STEM Education (EDU), which supports STEAM education at all levels and for all audiences to help develop a diverse and well-prepared workforce and a scientifically well-informed citizenry.

Of particular interest to the museum community is the Advancing Informal STEM Learning (AISL) program in the Division of Research on Learning in Formal and Informal Settings, which advances new approaches to and evidence-based understanding of learning in informal environments. However, current funding levels have limited the ability of the program to support the range of informal STEM education programs that have been ranked highly competitive. We ask you to provide at least $75 million for the Advancing Informal STEM Learning (AISL) program.

NSF also supports STEAM education, informal learning, and the public's engagement with science through its research directorates, and we urge the subcommittee to provide increased funding for the NSF Directorates for Biological Sciences; Geosciences; Mathematical and Physical Sciences; Social, Behavioral and Economic Sciences; and STEM Education to continue to support museum research, collections, and programs that are key to lifelong STEAM education. We also support the focus on the intersection of science and society in NSF's new Directorate for Technology, Innovation, and Partnerships-including several opportunities to promote public engagement with science.

Finally, we support continued analysis and refinement of the broader impacts criterion on which all NSF proposals are evaluated, including efforts to enhance train-

ing for merit review panelists and NSF program officers-and the development of tools for evaluating and documenting the societal impacts of research.

National Aeronautics and Space Administration (NASA)

The National Aeronautics and Space Administration (NASA) supports informal STEM education and engagement in a variety of ways. The Teams Engaging Affiliate Museums and Informal Institutions (TEAM II) program, within the Office of STEM Engagement, provides support for museums and planetariums to enhance programs related to space exploration, aeronautics, space and earth science, or microgravity.

We request at least $150 million for NASA's Office of STEM Engagement, including at least $20 million for the Teams Engaging Affiliate Museums and Informal Institutions (TEAM II) program.

In addition, NASA's Science Mission Directorate supports museums and museum networks through its Science Activation program, which connects competitively selected teams across the country with NASA infrastructure teams. This program has engaged tens of millions of learner interactions in all 50 States. To continue the program's evolution and strong reach nationwide, we request at least $48 million for the SciAct Program.

Finally, we applaud the ways that the agency continues to make its data available to the public, allowing museums to engage their audiences with current observations and information.

National Oceanic and Atmospheric Administration (NOAA)

NOAA's Office of Education offers two grant programs to advance education in areas relevant to NOAA's mission, including support for museums, zoos, aquariums, and science centers. These programs help enhance the understanding and use of environmental information to promote informed decision-making by educators, students, and the public.

—The Bay Watershed Education and Training (B–WET) program promotes place-based experiential learning for K–12 students and related professional development for educators.

—Environmental Literacy grants support activities that inspire people to use Earth system science to improve ecosystem stewardship and increase resilience to environmental hazards, such as wildfires, droughts, hurricanes, tornadoes, and earthquakes. For more than 15 years, these grants have supported museum exhibitions, K–12 curricula, online education resources, citizen science activities, out-of-school programs, and professional development for educators.

As the need for enhanced education about our changing climate and community resilience increases, there is a need for a concurrent increase in the budget for the Office of Education. We request at least $38 million for NOAA's Office of Education.

We also underscore the important ways that NOAA promotes public engagement with science through other offices and programs, such as its support for citizen science.

In closing, we continue to thank the subcommittee for all its support for a robust science and education budget. You have demonstrated your support for crucial programs that promote STEAM education for our Nation's students. Like our organizations, you recognize these are vital investments in our future, and we thank you in advance for taking action accordingly.

Our organizations stand ready to be of service to your work. We are always happy to provide examples of the ways that museums are contributing to their communities and helping to advance local, regional, and national priorities. With our networks of thousands of community-based institutions, these examples can be in or near each Congressional district.

[This statement was submitted by Christofer Nelson, President and CEO, Association of Science and Technology Centers (ASTC); Marilyn Jackson, President and CEO, American Alliance of Museums (AAM); Arthur G. Affleck, III, Executive Director, Association of Children's Museums (ACM); and Bonnie Styles, Executive Director, Association of Science Museum Directors (ASMD).]

PREPARED STATEMENT OF ASSOCIATION OF STATE FLOODPLAIN MANAGERS

The Association of State Floodplain Managers (ASFPM) appreciates the opportunity to provide testimony on the Fiscal Year 2025 appropriations for the National Oceanic Atmospheric Administration. While ASFPM supports the overall Administration's discretionary budget request, we encourage Congress to consider additional

appropriations to address concerns with Coastal Zone Management Program with an appropriations of $64.7 million, fund the Coastal Services Centers with an appropriation of $51.2 million, support the Digital Coast with an appropriation of $4 million as per PL 116–223, and provide at least $3.5 million for the Atlas 15 Precipitation Frequency Atlas.

For over half a century, the Coastal Zone Management Act (CZMA) has been the cornerstone of our coastal stewardship strategy, fostering a powerful alliance between Federal and State entities via the National Estuarine Research Reserve System (NERRS) and Coastal Zone Management (CZM) Programs. These initiatives are pivotal in deciphering and confronting the escalating challenges besieging our coastal regions, from surging water levels and inundation to pollution, habitat degradation, and the wrath of extreme weather events.

The 34 federally sanctioned CZM Programs across States and territories are at the forefront, tackling the Nation's most urgent coastal dilemmas head-on. From grappling with the escalating hazards like sea level surge, intensified storms, and erosive tides to coping with ecological upheavals such as coral bleaching, toxic algal blooms, and dwindling fisheries, CZM stands as the bulwark safeguarding our coastal equilibrium.

In recent years alone, CZM Programs have spearheaded over 2,500 projects, bolstering the resilience of coastal communities against looming threats. They've collaborated with more than 2,500 localities, fostering balanced development while safeguarding the intrinsic essence and resources of our coastlines. Moreover, they've facilitated the establishment or enhancement of over 2,700 public access points along our shores. CZM efforts have further shielded or revived nearly 150,000 acres of coastal habitats, while equipping over 200,000 coastal decision-makers with vital education and training on management strategies, public access initiatives, hazard mitigation, and community development.

The allocation of requested funding is imperative to empower CZM Programs, whose matched investments nearly mirror Federal funding, to substantially amplify their impact. Their mission, as mandated by Congress, encompasses the holistic management, judicious utilization, safeguarding, and sustainable advancement of our coastal domain.

With the substantial investments in coastal infrastructure through the Infrastructure Investment and Jobs Act, it is crucial that investments are made in the CZM Programs, which play a critical role in the planning and approval processes and long-term sustainability of many of these projects.

The Digital Coast was developed to meet the needs of coastal communities. This NOAA-sponsored website helps communities address coastal issues from development and planning to emergency management. The website includes 37 terabytes of imagery, 5.5 trillion points of LiDAR, 800,000 miles of land cover, over 70 tools with over 140 use examples and more than 100 training opportunities. Sustained funding for Digital Coast will ensure access to the data portal for communities to influence decisions.

The passage of the FLOODS Act in 2022 authorized NOAA to establish the NOAA Precipitation Frequency Atlas, being referred to as Atlas 15, currently and into the future. This program will compile, estimate, analyze and communicate the anticipated frequencies of precipitation all across the United States. This data is fundamental to providing accurate and reliable flood risk information and flood maps for all U.S. communities, vital for planning and guiding community development, and used in the design of the majority of the Nation's local, State, Tribal and national infrastructure, to avoid crippling and costly damages from the adverse impacts of floods, and to save lives. Timely completion and maintenance of the Precipitation Frequency Atlas should be viewed among the highest priorities as a foundational tool for water resources engineers, planners, and designers for assembling virtually all the Nation's underlying infrastructure. These water investments have an extremely high ROI, and can make the difference between viable infrastructure and plans that will stalwartly serve our society for decades or centuries, or not.

The Association of State Floodplain Managers is a national association of over 22,000 members who are State and local officials and private sector planners, engineers, mappers and academics who support the work of State and local floodplain managers. All of our members are committed to reducing loss of life and property due to floods.

We appreciate the opportunity to share our recommendations with you and thank you for considering our suggestions.

Sincerely,

Chad Berginnis, Executive Director

PREPARED STATEMENT OF BOYS AND GIRLS CLUB OF AMERICA

Boys and Girls Club of America (BGCA) would like to thank the subcommittee on Commerce, Justice, Science, and Related Agencies for soliciting the views and recommendations of public witnesses on Fiscal Year (FY) 2025 funding. The following testimony expresses our strong support for the Youth Mentoring Grant program managed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

For over 160 years, Boys & Girls Clubs have provided safe places where young people can learn and grow. We believe every young person deserves a great future, meaning every youth that enters our doors graduates on time and is college or career ready while living a healthy lifestyle and demonstrating good character and citizenship. Clubs offer young people an environment to build resiliency by developing the social and emotional skills that make them ready for work and life. This out-of-school time programming is carried out at more than 5,400 Boys & Girls Clubs including over 2,400 school-based Clubs, over 1,150 Clubs in rural areas, 256 Clubs in public housing facilities, 470 affiliated youth centers on military installations worldwide, and over 250 Clubs on Native lands.

As you develop the Fiscal Year 2025 Commerce, Justice, Science and Related Agencies Appropriations bill, we respectfully request at least $130 million in funding for the Youth Mentoring Grant, which is the only mentoring-specific line item in the Federal budget. This important program supports the implementation, delivery, and enhancement of evidence-based mentoring services to improve outcomes and ensure that underserved youth have the supports they need to thrive academically, personally, and professionally.

Youth mentoring is an evidence-based prevention and intervention strategy that enhances life outcomes for young people and mentors. It is a powerful way to reduce the number of youths disconnected from school and work, increase social and economic mobility, and create a more productive and prosperous nation. A recent meta-analysis found that mentoring, across all studies included, had a positive effect on all youth outcomes included in the research, including mental and physical health, academics, and career planning and preparation.

Unfortunately, even with these benefits, one in three young people in the United States will grow up without ever having a mentor during their childhood, constituting a "mentoring gap" that demonstrates the need for collaborative investment in mentoring services. In fact, recent research suggests that this gap is growing, with 40% of today's young people saying they have never had a mentor and almost 70% saying there were times growing up where they wanted a mentor but could not find an adult to support them in this way. Disadvantaged youth are more likely to turn to formal programs to access highly impactful mentors. In the United States, of the young people served by mentoring programs, 51 percent are low-income, 36 percent are academically at-risk, 14 percent are first generation to go to college, and 8 percent have incarcerated parents or family members.

Quality early interventions like mentoring prevent youth from entering the juvenile justice system and often divert youth from recidivism. Recent research funded by OJJDP even found that mentoring programs could potentially provide a benefit of three times the public expenditure, for every day in jail that program participants avoid. Notably, however, programs that serve more children with adverse child experiences require additional funding to recruit and train high-quality mentors. A recent study showed that in programs where 90% of mentees were pregnant or parenting, the average cost-per-youth increased by nearly $2,500. As programs continue to support as many young people with the highest need as possible, funding for the Youth Mentoring Grant program must increase.

Mentorship promotes positive social development and behaviors in young people. With youth in America continuing to face serious challenges related to substance abuse, mental health, and the effects of trauma, a trusting relationship with an adult can help them manage a myriad of complex and difficult issues. Mentoring programs save Federal dollars over the long-term by reducing rates of incarceration, bolstering student academic achievement, and enabling positive health and psychosocial outcomes for young people. The positive impact mentoring programs have on a number of issues makes it uniquely valuable for increased public investment:

—*Mentoring and Mental Health.*—Youth mentoring programs of all types can prevent and help youth cope with depressive symptoms. It can also reduce mental health stigma and increase treatment entry and adherence. A recent study by MENTOR found that for youth who said they wanted a mentor while growing up but never had one, 25% of them specifically wanted a mentor to help them with a mental health need. That study also found that mentored youth reported

stronger mental health when they were growing up and stronger mental health today as adults.

—*Mentoring and Education.*—Young people, who were at risk of not completing high school but had a mentor, are more likely to enroll in college, participate in extracurricular activities, hold a leadership position, and volunteer. School-based programs can have a positive impact on a variety of outcomes, including reducing truancy and absenteeism rates and school-related misconduct and increasing scholastic achievement and peer support.

—*Mentoring and Youth Violence Prevention and Intervention.*—Mentoring can be integrated into multi-component violence prevention efforts and offer comprehensive support to youth at risk for committing violence or victimization. It serves as one of the few prevention and intervention strategies that can effectively address multiple risk and protective factors simultaneously and has also been found to reduce aggressive behaviors such as fighting, bullying, and delinquency.

—*Mentoring and Career Exploration/Workforce Development.*—Mentors support youth in career exploration and early employment experiences by providing social-emotional support and hands-on skill development. Building intentional mentoring relationships with young employees has led to higher retention rates, direction in building a career or educational journey, wage increases, and employee satisfaction. It can also help offset feelings of exclusion that prevent marginalized youth from considering certain career paths.

—*Mentoring to Address Loneliness and Isolation.*—There may be no more direct way to help reduce isolation and loneliness for a young person than providing them with a relationship that is tailored to their needs and circumstances. Mentoring programs, by definition, are focused on connecting youth to not only individual relationships, but deep engagement with program staff and other participants. Relationships with supportive adults are considered a key developmental asset; trusting relationships create a nourishing environment for adolescents to explore the world around them and engage in healthy risk-taking.

—*Mentoring for Military-Connected Youth.*—Mentoring offers a practical approach to supporting military youth and their families and has been shown to improve academic performance and decrease symptoms of depression, while improving social support and parental ratings of stress in the home.

—*Mentoring for Youth in Rural Communities.*—Low-income rural youth report some of the lowest rates of mentoring of any demographic group in the country. This presents an important directive for expansion, as studies show many acute benefits to young people in rural communities, such as health improvements, mental health gains, academic achievement, and externalizing negative behaviors.

—*Mentoring and Identity Development.*—Research has found that fostering a sense of belonging and forging a sense of personal identity were among the most meaningful forms of support offered by mentors. Too many American youth are growing up without these core aspects of human development and can drift into antisocial or even violent behaviors in their isolation. Mentoring relationships are a cornerstone of a healthy society that allows all parties to contribute and find their positive path.

—*Mentoring and Substance Misuse.*—Access to caring adult mentors is a protective factor for young people, lowering the likely incidents of drug use and other harmful behaviors. This is especially true in youth who have a parent, caregiver, or other loved one struggling with or dying because of drug misuse. Further, because mentoring programs can offer support at all three prevention levels (primary, secondary, and tertiary), practitioners are important resources in combating the opioid crisis. While the primary prevention work is the most critical from a public health perspective, research demonstrates that caring relationships can bolster treatment and recovery.

The impact of the Youth Mentoring Grant for our Clubs is best exemplified by the *Boys & Girls clubs of Washington County (MD).* Utilizing its FY2023 funding, the Club will provide critical education, career, and healthy lifestyle skills to ensure the 36-youth identified to benefit from the youth mentoring grant program funding will receive the necessary support to become responsible, caring citizens.

Similarly, the *Boys & Girls Club of Appalachia, Harlan Teen Club (KY)* continues to demonstrate the vial role the Youth Mentoring Grant plays in achieving great futures for youth. As mentioned previously, the negative impacts of opioid addiction on children are tremendous. Children living with an addicted parent experience family dysfunction, neglect, abuse, and emotional pain. In the small town of Harlan, Kentucky, 13 children lost a parent to an opioid overdose over a six-week span, and

eight of those children witnessed their parent's death. The Boys & Girls Club of Appalachia provided those youth with support as they grieved and struggled to rebuild their lives. The MBGC-Opioid Prevention program seeks to bring much needed resources to communities like Harlan, through a multi-component mentoring program featuring innovative practices and substance use prevention strategies that engage youth, families, and communities in healing and building hope for the future.

The Boys & Girls Clubs of Appalachia (KY) and Boys & Girls of Washington County (MD) are just two examples of the clear benefits provided by an out-of-school time youth mentoring program. Unfortunately, today the average mentoring program has 63 young people on their waitlist and recent reports and studies have found that inflationary costs, workforce shortages, and reduced charitable giving have continued to plague the nonprofit sector. This increase in funding for the Youth Mentoring Grant Program will help close the mentoring gap and create meaningful relationships that will put them on track to academic, personal, and professional success.

As a youth-serving organization committed to ensuring young people are loved, supported, and set up for success in life, we recognize the unique capabilities of the Youth Mentoring Program grant to improve outcomes for young people facing risk, and its capacity to scale effective evidence-based practices and support. To that end, we respectfully request at least $130 million in funding for the Youth Mentoring Grant program.

Thank you for your consideration of this critical request to support our at-risk youth. Please contact Pam Yuen, Boy & Girls Clubs of America's Director of Government Relations with additional questions.

[This statement was submitted by Missy Dugan, Senior Vice President of Government Relations.]

PREPARED STATEMENT OF CAST

Dear Chairman Rogers, Chair Shaheen, Ranking Member Cartwright and Ranking Member Moran,

CAST is submitting recommendations to support Fiscal Year (FY) 2025 investments in the National Science Foundation (NSF). Our recommendations are in direct alignment with the stated goals of the NSF including the August 2021 goal "to increase the engagement of persons with disabilities in Science, Technology, Engineering, and Mathematics (STEM) fields and STEM education." [1]

Since 1984, CAST has worked relentlessly to ensure that our Nation is one where learning has no limits for all individuals. We pioneered Universal Design for Learning (UDL), a framework for the intentional and inclusive design of learning and training environments that harness technology, the learning sciences, and instructional practices to remove barriers to learning in all settings: physical, digital, or blended. UDL is now incorporated into key Federal education, career training, and workforce laws.[2] It encourages the design of flexible learning environments that anticipate learner variability and provide alternative routes to success; UDL acknowledges that variability across all learners is the norm rather than the exception. UDL also incorporates a responsive framework to support educators in their professional learning and application of new skills in any teaching environment.

With grants provided by the NSF, the U.S. Departments of Education (ED) and Labor (DOL) as well as the private sector, CAST works to ensure the full power of UDL is utilized to create a level playing field where all learners have equitable opportunities to succeed. To that end, we make the following recommendation to the subcommittee:

—*STEM Edu Directorate.*—$1.95 billion. Within this amount, $20 million should be provided to support the Centers for Transformative Education Research and Translation as authorized in the CHIPS and Science Act. This funding will help NSF to address vital challenges facing the U.S. talent pipeline, strengthening our National competitiveness in STEM education and beyond.

Currently, through public-private partnerships, including funding provided by NSF, CAST is working to increase equity, diversity, inclusion, and access to all school-age youth, young adults and adults in STEM including English Learners, individuals with disabilities, and those who may struggle due to low literacy. We do

---

[1] Dear Colleague Letter: Persons with Disabilities, National Science Foundation (August 5, 2021), at: https://www.nsf.gov/pubs/2021/nsf21110/nsf21110.jsp?org=EHR.

[2] See: Public Law 110–315, Public Law 113–128, Public Law 114–95, Public Law 115–224, National Education Technology Plan 2024, U.S. Department of Education.

this by developing accessible STEM educational resources and making them more widely available to teachers and learners; increasing engagement in STEM education/STEM careers; and ensuring STEM teachers have opportunities to be trained and receive a credential in the use of UDL. Increased investments in STEM Education as led by NSF is essential to expanding and developing a diverse and well-educated science and engineering workforce that can assure national competitiveness in a global world and economy.

Examples of UDL funded in the NSF portfolio:

Take Flight: Using Drones to Get Rural Middle School Girls Interested in STEM Careers.—NSF has funded Take Flight, a multi-year project to explore and study the use of drones to teach rural middle school girls about STEM and the potential of STEM careers for women. Designed to confront society's messaging and girls' own perceptions about what STEM skills are, Take Flight is being conducted in rural New Hampshire, Maine and Montana, where access to female role models in STEM careers is limited.

STEM Pathways for Rural Youth: Developing STEM Identity Through the Outdoors.—NSF has funded OR Youth, an exploratory project designed to identify the ways outdoor recreation activities and the outdoor economy can be used to develop STEM identities and STEM career thinking for rural youth. This project focuses particularly on STEM as a career pathway in "amenity decline regions" where traditional jobs such as mining and timber collection are disappearing. This project builds off of work CAST did to support the adoption of Outdoor Recreation Competencies and the development of an Outdoor Recreation pathway in CTE, now used in New Hampshire.

BioFab Explorer: Designing a Dual Enrollment Pathway to Careers in Biofabrication.—NSF has funded BioFab Explorer to help broaden the participation of underrepresented populations in biofabrication and biomanufacturing by embedding career guidance into Career and Technical Education (CTE) classrooms that provide options for dual enrollment (i.e., taking college-level courses for credit while enrolled in high school). The project leverages the e-folio technology developed with NSF funding (see below, STEMfolio), customizing it for use by students and teachers in this emerging field as a way to document and share competencies with educators and potential employers.

STEMfolio.—With funding from NSF and DOL, the Career Exploration and Readiness Environment for Science, Technology, Engineering and Mathematics (CEE–STEM) project developed an e-portfolio called STEMfolio, which supports non-traditional high school students to collect, reflect and record information regarding STEM careers of interest; chronicle their STEM learning in both classroom and job sites; and take actions to connect with STEM postsecondary and employment opportunities. By partnering with YouthBuild USA in the design and piloting of this tool, CAST ensured that STEMfolio can effectively support STEM learning and career pathways for young adults who are members of ethnic minority groups and who are economically disadvantaged-many of whom have dropped out of traditional high school and may also be justice-involved or be young parents-helping these young adults see the relevance and achievability of STEM careers. The e-folio software is customizable and is being used by education and workforce leaders in a Manufacturing Innovation Institute funded by the Department of Defense as well as in two NSF projects.

Stepping Up with OASIS: Opening Access to Science Instruction and Support (OASIS).—With NSF and ED funding, this initiative empowers science teachers with research-based instructional tools and skills. OASIS grew out of an NSF-funded project (now complete) which created a digital UDL science notebook teachers of students with learning disabilities can use to support students in active science learning: a project that achieved statistically significant effects on students' science performance and motivation for science learning. The focus now expands access to tools and resources for teachers so that more students will successfully engage in science learning and the science inquiry process.

Multi-Gen STEM Makerspace Project is a Makerspace initiative that is increasing access to STEM engagement, multi-disciplinary learning, and opportunity by residents of low-income communities. Makerspaces have cropped up in schools, libraries, museums, and other settings, but low-income communities have not had the same access to these resources and their learning opportunities as have more affluent ones. CAST is changing that by partnering with a national affordable housing provider, the NHP Foundation, at an affordable housing complex in Stamford, CT. With NSF funding, CAST has co-designed a makerspace in affordable housing, created makerspace guidelines, workshops and a Multi-Gen Makers Playbook to support affordable housing complexes across the country in hosting their own self-sus-

taining makerspaces to provide an engaging, accessible route to embed STEM learning in families' lives. The resources support caregivers, children, young adults, and neighbors to gather and share their knowledge and skills, and to collaborate authentically to build on those skills, using STEM to meet personal goals, or to pursue a STEM career pathway.

Advanced Technological Education: Making Community College Technician Education More Accessible for Everyone (AccessATE).—Through support from NSF, this project supports the ATE community and provides ATE grantees with the tools and knowledge to increase the accessibility and usability of their resources and activities. CAST provides technical assistance on accessibility and UDL to ATE Centers and recipients of ATE research grants. Partners include Internet Scout, the Accessible Education Materials Center, DeafTEC, Human Engineering Research Laboratories and the National Center for Accessible Media. The AccessATE work specifically supports STEM technician education programs at community colleges which provide workforce development and technician training in response to growing industry needs.

REsource Collaborative for Immersive TEchnologies (RECITE) is a partnership between St. Cloud State University (KY) and CAST to support ATE National Centers' and Projects' utilization of immersive technologies in technician education across the Nation. A recent search of the ATE Central database revealed 28 funded ATE projects relating to immersive technologies, 17 of which are active today. Most of these projects revolve around the development of immersive curricula for specific fields. Only a few organizations have had a focus on dissemination of content beyond their institution. RECITE seeks to capture and disseminate the efficacy, best practices, successes, and failures of using various types of immersive technologies in technician education. This research will contribute to the broader body of knowledge for the tools, resources, and training required to effectively use immersive technology to advance technician education. Immersive technologies or extended reality (XR) include augmented reality (AR), virtual reality (VR), mixed reality (MR), and 360° photography and videography (360).

CAST urges further investments in STEM Education via NSF to ensure expansion and development of a diverse and well-educated science and engineering workforce that can assure national competitiveness in a global world and economy.

We appreciate the opportunity to provide recommendations to the FY 2025 Labor-HHS appropriations bill. Please contact Tara Courchaine at tcourchaine@cast.org if we can provide additional information or answer any questions.

Sincerely,

Lindsay E. Jones, Esq., Chief Executive Officer

PREPARED STATEMENT OF CHUGACH REGIONAL RESOURCES COMMISSION

REGARDING ACCOUNTS WITHIN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

This testimony is about accounts within the Department of Commerce—National Oceanic and Atmospheric Administration (NOAA), including the National Marine Fisheries Service (NMFS)—Protected Resources Science and Management—Marine Mammals, Sea Turtles, and Other Species on behalf of Chugach Regional Resources Commission (CRRC), an inter-Tribal organization in southcentral Alaska that provides crucial natural resource management and subsistence support to seven Tribes and nearly 3,000 Alaska Natives in a region whose lands and waters encompass more than 48,000 square miles.

We request that this subcommittee: (1) exercise fiscal oversight to ensure that NOAA's spending of its allocated funds aligns with Congress's intentions; and (2) fully fund the line item for Marine Mammal Co-Management, with a requirement that NOAA/NMFS set aside a portion of that line item for agreements to cover species/regions that have no existing agreements.

CRRC is an inter-Tribal fish and wildlife commission authorized as a Tribal consortium under the Indian Self Determination and Education Assistance Act (ISDEAA). For forty years, CRRC has provided essential natural resource management and subsistence support for Alaska Native villages in the Chugach region: the Native Village of Eyak, Qutekcak Native Tribe, Valdez Native Tribe, Native Village of Port Graham, Native Village of Chenega, Native Village of Nanwalek, and Native Village of Tatitlek. To support our mission, we operate the Alutiiq Pride Marine Institute (APMI) to conduct research, produce high-quality hatchery technology, and repopulate our subsistence plants and animals in the wake of the Exxon-Valdez oil spill. APMI is home to several dry and wet labs which examine climate conditions,

ocean chemistry, harmful algae, and shellfish biotoxin levels to provide comprehensive data on ocean conditions in southcentral Alaska. APMI also houses a pilot kelp farm program and a newly-completed molecular laboratory to store sampled tissues and conduct genomic evaluations for research on marine mammals and other species.

FISCAL OVERSIGHT

Federal agencies must be required to have systems that implement Congress's budget appropriations in the ways they are intended. Our experience shows that these systems are not properly functioning. We ask this subcommittee to include report language directing NOAA to assess its application requirements for grants to non-federal entities, reduce unnecessary requirements, and report back to you on its efforts to provide low-burden applications and implement Tribal and minority population set-asides.

First, we note that any Tribal set-aside should require that awards be made to a Tribe or Tribal organization (defined in 25 U.S.C. Section 5304 (e)). Non-Tribal organizations should not be permitted to compete for funds designated for Tribes and minority populations by simply claiming ties to a Tribe or making a token subaward. Unfortunately, NOAA has allowed this as a general practice. For a concrete example, in the FY24 Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities program [1] NOAA permitted applicants who could "demonstrate" a "connection" to a Tribe or Tribal entity. The "demonstration" took the form of a Statement by the applicant—not the Tribal entity itself. Our organization has been approached more than once by a non-Native entity who offered token involvement in a project in order to claim that they served a Tribal community. NOAA should be required to honor the Federal trust responsibility to Tribes by awarding Tribal funding to those Tribes instead of non-Tribal entities.

Second, although Tribes across the country have considerable scientific and practical expertise, Tribal involvement in NOAA research is woefully inadequate. This is the case even when a specific tranche of funding has been designated for Tribal communities at the Congressional level. NOAA's practices in this area result in inequity and undermine Congress's policies of encouraging public-private partnerships. Research proposals submitted by non-federal applicants, for a fund designated for non-federal entities, are evaluated by NOAA staff—against the research proposals of other NOAA staff.[2] This creates the appearance of a funding system that allows internal nepotism.

The disparity between NOAA's rate of awards to Tribal organizations as compared to other agencies demonstrates that there is a problem with how NOAA designs grant programs and assesses applications. To illustrate: over the past 4 years, CRRC has a success rate ranging from 74% to 94% for competitive applications to Federal agencies aside from NOAA.[3] But our success rate for NOAA in the same period is just over one half of one percent. When coupled with the fact that NOAA allows non-Tribal entities to receive Tribal set-aside funds, a disturbing picture emerges. Allocated funds are not being implemented in the way that Congress intends when it sets the budget and funding guidelines.

Third, we ask that you encourage NOAA to reduce the barriers and bureaucracy in its grant application process. This squanders the resources so carefully planned as needed in the Federal budget, because it wastes the time and energy of agency staff in formulating and policing those requirements. It also discourages qualified applicants from applying. For example, in a recent opportunity, the notice of funding was 48 pages long, but applicants were only permitted 20 pages to respond to those requirements.[4] Applicants had to comb through the application and figure out what the requirements were within the short time allotted for the application response. NOAA applies a strict 60 day deadline for every funding opportunity from the day it is announced publicly (another situation ripe for conflict of interest where NOAA staff who are part of a competitive application may get a head start through advance access to grant information). This is a very short time to gather information

[1] NOAA–NMFS–HCPO–2023–2008173 at page 13 (funded by the Bipartisan Infrastructure Law and Inflation Reduction Act).

[2] See, e.g., Notices of Funding Opportunity for NOAA–NMFS–HCPO–2023–2008173 at page 13 ("federal agencies or employees may serve as unfunded collaborative project partners"); NOAA–NOS–NCCOS–2024–2008101 at page 16 ("An eligible U.S. entity may propose Federal agency researchers as funded or unfunded collaborators.").

[3] Success rate is measured by the dollar amount of funds awarded compared to the total applied for at the following agencies: National Institutes of Health, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, and National Science Foundation.

[4] NOAA–NOS–NCCOS–2024–2008101.

and apply, especially if the project contemplates stakeholder involvement. This especially hampers Tribal consortia, because each Tribal government in the consortium must be contacted and consulted before an application can be submitted. Grant application deadlines for related funds are often released at the same time, meaning that organizations that do not pay professional grant writers must choose between opportunities. This plethora of bureaucracy creates circumstances that are particularly stacked against Tribal organizations. This means that NOAA grants are conducted, and data produced, in an echo chamber that misses out on the meaningful involvement of Tribal organizations who possess invaluable Traditional Ecological Knowledge and local expertise.

CO-MANAGEMENT OF MARINE MAMMALS

We support the current requests for marine mammal co-management funding in NMFS's *Protected Resources Science and Management—Marine Mammals, Sea Turtles, and Other Species* line item. We request, however, that the subcommittee make right a historic oversight by specifically allocating funding for regions or species for which there are no current arrangements. There are vast areas of Alaska that are not covered by existing co-management agreements, including our own Chugach region. Yet no funding has been allocated for those gaps, and funding has stayed relatively flat for existing agreements.

Section 119 of the Marine Mammal Protection Act (MMPA)[5] allows NOAA/NMFS to establish agreements with Alaska Native organizations for co-management of marine mammal populations to conserve marine mammals and provide for subsistence uses. Yet, contrary to the MMPA, this subcommittee's 2023 guidance[6], and the Secretary of Commerce's 2022 Order[7], NOAA has not agreed to any new co-management or co-stewardship agreements for the species they manage. NOAA/NMFS has not entered any agreements with new Native organizations since the early 2000s. Meanwhile, two commissions that existed and were funded pursuant to MMPA at that time have since become inactive or disbanded. This has left a gap in species and regions covered. We have had difficulty with NMFS staff when requesting new agreements because they state that they have no budget to support those agreements.

These agreements facilitate the exchange of information regarding the conservation, management, and utilization of marine mammals in U.S. waters in and around Alaska. This information is necessary for informed management decisions—both by NOAA/NMFS and by Alaska Native organizations. Since—because of budget reasons—some regions or groups in Alaska have access to co-management while others do not, the current situation is simply inequitable.

This means that Alaska Natives in Alaska's southcentral region have no ability to co-manage species that are critical to our people's cultural, spiritual, economic, and nutritional sustenance. Without such agreements, there is no direct channel for compiling and sharing information that we have with NOAA about species and the changing climate and effects on the ecosystem. Failing to maintain co-management agreements that cover every species and region doesn't just result in unequal treatment of different populations of Alaska Natives, it also squanders Federal dollars. Federal efforts to gather data, produce reports, and manage species are less effective, more expensive and more duplicative than they can and should be.

Co-management arrangements are sound fiscal management, because every dollar provided to a Tribal organization for natural resource management at the local level results in far more savings to the Federal Government in terms of staffing, project costs, travel, research, data collection, and duplication of efforts. It also results in better data by incorporating local knowledge and leveraging other funds and resources. We have been able to conduct surveys and stock assessments that Federal and State agencies have neglected in our region for many years. Yet there are no existing communication channels to exchange this type of information between Tribes and Federal partners. This is a prime opportunity for co-management agreements to bolster collaboration and create a better result through cooperation between Federal agencies and Tribal organizations who possess the local knowledge and expertise.

Marine mammal species—most of which are federally managed by NOAA—are vital to our cultural practices and subsistence way of life. As the original managers of the lands and waters in our region, our people have an unparalleled knowledge

[5] Public Law 103–238, codified at 16 U.S.C. 1388.
[6] Senate Committee Report 118–62 at 36–37.
[7] Joint Secretarial Order 3403: Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (JSO 3403).

base and strong cultural ties that have been developed through systematic observation over thousands of years. These observations have been honed and refined as our Native people developed and adapted their subsistence practices. Our Federal partners should be able to share the knowledge from our efforts, rather than duplicating or overlooking them.

Thank you for the opportunity to inform you about issues related to the fiscal oversight of NOAA. We hope you keep the unique complexities of the Alaska Native context in mind as you form the budget for FY2025.

[This statement was submitted by Willow Hetrick-Price, Executive Director.]

PREPARED STATEMENT OF CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON

Chair Shaheen, Ranking Member Moran, and members of the subcommittee, thank you for the opportunity to submit testimony regarding the Department of Justice's Office of Legal Counsel (OLC) and Congressional oversight of the Executive Branch.

Citizens for Responsibility and Ethics in Washington (CREW) is a non-profit, nonpartisan organization committed to promoting ethical governance, ensuring the integrity of our government institutions, and protecting our democracy. We firmly believe that an open and transparent government is necessary to address the threats our democracy faces today. To advance this mission, CREW has taken legal action to shed light on OLC's secret interpretations of the law and has supported efforts to compel OLC to proactively disclose records memorializing those opinions.[1]

Since 2016, CREW has filed 9 FOIA requests to obtain OLC documents, but to date has only received a third of these records. CREW has yet to receive any OLC memoranda we requested years ago on presidential pardons,[2] executive orders,[3] and other consequential matters. These examples are only a fraction of the many unanswered FOIA requests for OLC documents filed by individuals and organizations around the country.[4] Furthermore, because OLC rarely discloses memoranda as a result of a FOIA request, when organizations like ours are successful in getting OLC materials it is only after extensive FOIA litigation, a process that can often take years and requires significant organizational and government resources.

It is in the long-term interest of all citizens to have access to the legal advice given to the executive branch, irrespective of which political party is currently in power. It is also essential that Congress have access to OLC opinions in order to provide effective oversight and serve as a check on potential overreach by the executive branch. When Congress makes laws, the courts issue decisions or the president takes executive action, each almost always does so on the record. So too, binding legal guidance issued by OLC should be made public in a timely manner.

We are pleased that in recent years both House and Senate Appropriators have included strong language regarding the disclosure of OLC opinions, including most recently in the Joint Explanatory Statement of the FY 2024 Appropriations bill.[5] However, given that OLC has not responded by beginning the process of proactive disclosure it is clear that stronger language is needed to ensure that OLC is compliant with these reporting requirements.

Accordingly, we urge the subcommittee to adopt language similar to the provisions on OLC opinions in House Report 117–97.[6]

Recommended Report Language:

Office of Legal Counsel (OLC) opinions.-The Committee is aware that in 2004, 19 former senior OLC officials authored a document entitled "Principles to Guide the

---

[1] CREW gets secret Barr memo on Trump obstruction, CREW (August 24, 2022), https://www.citizensforethics.org/news/press-releases/crew-gets-secret-barr-memo-on-trump-obstruction/.

[2] FOIA Request by CREW, to the Office Legal Counsel (July 1, 2020), https://www.citizensforethics.org/wp-content/uploads/2022/10/2020-7-1-Presidential-Self-Pardons-1.pdf.

[3] FOIA Request by CREW, to the Office Legal Counsel (January 31, 2017), https://www.citizensforethics.org/wp-content/uploads/2022/10/2017-1-31-OLC-FOIA.pdf.

[4] See, e.g., FOIA To OLC For Communications And Directives About Events At Capitol During Congressional Certification Of 2020 Election Results, American Oversight (January 11, 2021), https://www.americanoversight.org/document/foia-to-olc-for-communications-and-directives-about-events-at-capitol-during-congressional-certification-of-2020-election-results and Exhibit A, Knight First Amendment Institute (March 15, 2019), https://knightcolumbia.org/documents/1552c902e4.

[5] Joint Explanatory Statement Accompanying the Consolidated Appropriations Act, 2024 (Public Law 118–24), https://www.congress.gov/118/crec/2024/03/05/170/39/CREC-2024-03-05.pdf.

[6] H.R. Rep. No. 97, 117th Cong. (1st Sess, 2021), https://www.congress.gov/117/crpt/hrpt97/CRPT-117hrpt97.pdf.

Office of Legal Counsel," which included a principle that "OLC should publicly disclose its written legal opinions in a timely manner, absent strong reasons for delay or nondisclosure." The signers noted that such disclosure " . . . helps to ensure executive branch adherence to the rule of law [and] . . . .promotes confidence in the lawfulness of governmental action. [It] also adds an important voice to the development of constitutional meaning . . . and a particularly valuable perspective on legal issues regarding which the executive branch possesses relevant expertise . . . ." The Committee agrees with this argument for transparency, and its alignment with the precedent for the public reporting of judicial decisions. While the Committee understands that some OLC advice should properly remain confidential, it also agrees with the views of the OLC signers noted above that OLC should "consider the circumstances in which advice should be kept confidential, with a presumption in favor of publication."

The Committee therefore directs the Attorney General to direct OLC to publish on a publicly accessible website all legal opinions and written OLC communication of non-legal guidance, except in those instances where the Attorney General determines that release would cause a specific identifiable harm to the National defense or foreign policy interests; information contained in the opinion relates to the appointment of a specific individual not confirmed to Federal office; or information contained in the opinion is specifically exempted from disclosure by Section 552 of Title 5 United States Code. For final OLC opinions for which the text is withheld in full or in substantial part, the Attorney General should provide Congress a written explanation detailing why the text was withheld and, to the extent possible, release that explanation to the public.

In addition, not later than 180 days after the issuance of this report, the Attorney General should submit to the Committee and publish online a report that lists each OLC opinion currently in effect that has been: designated by the Attorney General or his/her designee as final; followed by government officials or contractors; relied on to formulate current legal guidance; or cited in another OLC opinion. For each such opinion, with information withheld only as provided by Section 552 of Title 5 of the United States Code and with due consideration to the presumption in favor of disclosure, the report should indicate the title and date of issuance, the signer, and the recipient identified in the opinion. An update of this list should be submitted to the Committee with its future annual budget requests.

Thank you for your ongoing efforts to increase transparency of the DOJ's Office of Legal Counsel. If CREW can provide any additional insight into questions regarding OLC reform and transparency, we are always happy to assist.

[This statement was submitted by Debra Perlin, Policy Director, Gabriella Cantor, Senior Policy Associate.]

PREPARED STATEMENT OF COASTAL STATES ORGANIZATION,
INTEGRATED OCEAN OBSERVING SYSTEM ASSOCIATION,
NATIONAL ESTUARINE RESEARCH RESERVE ASSOCIATION,
NATIONAL MARINE SANCTUARY FOUNDATION, & SEA GRANT ASSOCIATION

Chair and Members of the subcommittee, this joint statement is submitted on behalf of the nonprofit organizations listed above who share a deep concern for the resilience of the Nation's oceans, coasts, and Great Lakes. The members of our organizations work as partners to assist our coastal communities and enhance their resilience by leveraging each other's contributions and strengths to ensure we maximize the use of our resources towards synergistic outcomes i.e., a whole that is greater than the sum of the parts.

America's coasts are highly desirable places to live, with growing populations. Over 126 million residents—40% of the population of the United States—live in coastal counties. These counties employ 56 million people, resulting in $3.4 trillion in wages annually, and produce more than $8.3 trillion in goods and services. The ocean, coasts, and Great Lakes are experiencing a unique set of challenges from dramatic changes as a result of sea level rise, increasing coastal storm frequency, coastal flooding, erosion, hypoxia, harmful algal blooms, ocean acidification, biodiversity loss, and more.

Weather and climate related hazards, and the resulting loss of life and negative impacts to our coastal environments and economies have increased at an alarming rate. Since 1980, the Nation experienced 378 weather and climate disasters where overall damages reached or exceeded $1 billion for a total exceeding $2.695 trillion. Over the last 5 years (2019–2023), there were 102 events that resulted in nearly 1,996 deaths and damages over $600 billion. These weather and climate coastal haz-

ards threaten critical coastal infrastructure, water and food supplies, and lives and livelihoods. NOAA has recorded record high global sea levels and some regions across the country are seeing up to 1,100% increases in high tide flooding. Additionally, warming waters are changing ocean circulation and chemistry, sea levels are rising and increasing storm intensity are changing the diversity and impacting the abundance of marine species, including corals. These impacts weaken the marine ecosystem's ability to provide critical ecological services and natural infrastructure for climate resilience. This threatens the physical well-being, economic prosperity, and food security of communities along our coasts and businesses that rely on marine resources and transportation.

This interface of coastal change and increasing coastal populations is driving the need to enhance coastal community adaptation, mitigation, and resilience capacity. The members of our organizations, in partnership with NOAA, play leading roles in addressing these continually evolving ocean, coastal, and Great Lakes challenges.

Coastal resilience is a complex and continuously evolving challenge that requires a collaborative framework of federal, State, and local partners. NOAA's partner programs, which are embedded in States and communities—Coastal Zone Management Programs, Sea Grant Programs, National Estuarine Research Reserves, National Marine Sanctuaries, and the Integrated Ocean Observing System—work together to provide tailored information, planning resources, protected land and water areas, science, and science translation that provide comprehensive and integrated services to address national priorities effectively at the local, State, and regional level. Each of these partners provides a critical tool in the toolbox needed to support communities in addressing coastal resilience. If any of these tools are missing, or Federal investments do not adequately support each of these tools, efforts to address coastal resilience and adaptation will be hampered and less effective. The immense challenges facing our coastal communities and ecosystems are much too large for any one organization to be able to solve alone. To ensure coastal communities are prepared to address increasing coastal hazards, a robust investment in a networked resilience initiative is necessary.

Coastal communities are looking at multi-billion dollar price tags to bolster themselves from rising seas and associated coastal hazards. The investments made under the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA), have made impressive strides to advance ocean and coastal resiliency. However, these investments are not a replacement for sustained annual funding which supports many NOAA programs' and partners' core activities, which are not covered by the BIL/IRA. For example, the immediate and long-term success of these investments depend on sustained resources to increase capacity for community engagement, long-term observation, planning, analysis of options, implementation, stewardship and management of restored areas. Furthermore, many of these programs have significant educational, outreach and training mandates that complement the development of coastal infrastructure and improve community resilience through planning and preparedness, but which were not funded under the BIL or IRA.

Our organizations strongly support the following investments in FY 2025 appropriations to ensure robust investments in advancing coastal resilience, complementing, building upon, and supporting the implementation of the BIL and IRA:

$145.7 million for the National Sea Grant College Program and $18 million for Sea Grant Aquaculture Research.	$108.5 million for Coastal Management Grants and $64.782 million for Coastal Zone Mgmt. and Services
$87 million for National Marine Sanctuaries operations, research, & facilities and $8.5 million for procurement, acquisition & construction	$47 million for National Estuarine Research Reserve System operations and $10 million for procurement, acquisition & construction
$56 million for the Regional Integrated Ocean Observing Program	$34 million for National Ocean and Coastal Security Fund
$11.2 million for Regional Ocean Partnerships	$45 million for the Coral Reef Conservation Program

National Sea Grant College Program.—A joint federal, State, and local investment, Sea Grant works in the Great Lakes; Gulf of Mexico; and on the Atlantic, Caribbean, and Pacific coasts and islands—yielding quantifiable economic, social, and environmental benefits. With a mission to enhance the practical use and conservation of coastal, marine, and Great Lakes resources to create a sustainable economy, a healthy environment, and resilient communities, Sea Grant has benefitted from bipartisan congressional support since its creation in 1966. Sea Grant funds peer-reviewed research and provides science-based expertise and education that responds to local needs. Sea Grant fosters cost-effective partnerships, leveraging nearly $3 for every $1 appropriated. In 2022, Sea Grant created or sustained 9,569 jobs and 1,601 small businesses, helped restore or protect over 2.1 million acres of habitat, engaged 970,976 people in education, and helped 24,288 seafood industry personnel adopt responsible fishery practices.

The Integrated Ocean Observing System (IOOS).—The IOOS Regional Associations (RAs) work with Tribal, State, local, and Federal agencies to design and operate re-

gional observing systems that provide actionable information to a variety of stakeholders. IOOS links observation to modeling and tools via data management in order to improve weather forecasts, increase maritime safety and efficiency, protect and restore healthy coastal ecosystems, reduce public health risks, and mitigate the effects of coastal hazards including flooding and harmful algal blooms. The IOOS regional network enables NOAA to more efficiently achieve their goals by increased access to non-federal data sources and by developing tailored information products that address the unique needs of users around the Nation. The FY 2025 request supports the core operation of these regional systems allowing them to continue critical real-time observations and data services. Funds from BIL and IRA to the IOOS Regional Associations will help to modernize the systems and build coastal resilience by increasing the reach and utility of IOOS data for more user groups, particularly those who are underserved in relation to their vulnerability to changes in the coastal environment and marine resources. The benefits these investments will bring are only possible because of the existing core infrastructure.

Coastal Zone Management (CZM) Programs.—The 34 State and Territory CZM Programs, in partnership with the National CZM Program, advance the effective management, beneficial use, protection, and development of the coastal zone. The demands on CZM Programs have steadily increased, requiring greater balancing of coastal zone uses and needs for conservation, while increasing weather and climate related hazards threaten the lives and livelihoods of coastal communities. While BIL and IRA funds provide support for habitat restoration projects and other efforts, these funds address only a limited scope of coastal resilience. This leaves critical gaps—such as vulnerability assessments, long-term resilience planning, community engagement and risk communication—that rely on annual appropriations for Coastal Management Grants. The requested investment in Coastal Management Grants will ensure comprehensive management of the coasts to address all facets of coastal resilience and will enhance the implementation of BIL and IRA funds managed by State and Territory CZM Programs.

National Estuarine Research Reserve System (NERRS).—The NERRS is a time-tested network of 30 coastal sites with a proven track record of delivering the essential information and solutions communities need to address climate change and other 21st century challenges. Over 50 years, and through many crises, Reserves have become trusted members of their communities. They serve as living laboratories, support jobs, contribute to the economy, help sustain fisheries, protect natural infrastructure, and create access to nearly 1.4 million acres of land and waters that provide outdoor experiences that enhance public health. An increase in NERRS funding will send more dollars to States, add two new Reserves in FY 2025 (in Louisiana and Wisconsin) and advance the designation of a USVI site. It will strengthen the ability of Reserves to put BIL funding to work where it's most needed and provide stewardship to protect these investments for the future. It also will broaden the impact of NERRS national programs that deliver in-demand education, technical assistance and training, and community-informed science and data, including the System-Wide Management Program, Coastal Training Program, Science Collaborative Funding Program, and the Davidson Graduate Research Fellowship.

National Marine Sanctuary System.—The National Marine Sanctuary System encompasses over 620,000 square miles of marine and Great Lakes waters protecting ecologically and culturally significant habitats. National marine sanctuaries are sources for solutions. They protect biodiversity, provide habitat for countless species of fish and wildlife, and safeguard coastal communities from flooding and storms by increasing resilience to the impacts of climate change. They are living laboratories, outdoor classrooms, and tourism and recreation destinations. There are six new national marine sanctuaries in our Atlantic, Pacific, and Great Lakes waters undergoing the public sanctuary designation process. Providing robust funding to the Office of National Marine Sanctuaries is an investment in the growing sanctuary communities to ensure public engagement and public-private partnerships that are the hallmark of sanctuaries. Funding also supports replacing and repairing vessels that are mission-critical to operations and enforcement as well as improvements to visitors centers and signage, which anchor tourism, and engagement in communities, strengthening the impact of investments for sanctuary facilities. This FY 25 request is an opportunity to invest in America's waters and the communities and businesses that depend upon them.

The Regional Ocean Partnerships (ROPs).—The four ROPs play a unique role in facilitating collaboration across State coastal agencies, including State and Territory CZM Programs, Tribes, Federal agencies, and other stakeholder groups, to manage the Nation's coast and enhance coastal resilience by tackling complex issues at a regional scale. BIL provided annual funding for the ROPs consistent with the ROP

Act. However, it is important to recognize the need for this funding to be supported through annual appropriations not just supplemental funding.

National Ocean and Coastal Security (NOCSA) Fund.—The NOCSA Fund provides grants to nonprofit organizations, academic institutions, for-profit organizations, and State, Territory, local, municipal, and Tribal governments for the purpose of investing in conservation projects that restore or expand natural coastal features that minimize the impacts of storms and other naturally occurring events on nearby communities. Increased resources under BIL and sustained annual appropriations will enable coastal communities to tackle the vast need for coastal habitat restoration and community resilience projects across the Nation's coasts.

Coral Reef Conservation Program (CRCP).—Coral reefs are critical ecosystems, which provide numerous environmental, economic and resilience. The CRCP supports coral reef conservation in the 7 U.S. jurisdictions that are home to the United States coral reefs: Florida, Hawaii, American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands, as well as reefs internationally. This funding supports priority areas, including coral reef restoration activities and infrastructure, local capacity building, and site-based efforts to enhance reef resilience to climate change through the reduction of local-level stressors including land-based sources of pollution and sustainable fisheries.

IN CONCLUSION

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 improved quality of life, as well as beneficial environmental and economic outcomes many times over the Federal investment.

Thank you for the opportunity to provide this joint statement.

PREPARED STATEMENT OF CONCERNED LETCHER COUNTIANS, LLC

ADDRESSING: FEDERAL BUREAU OF PRISONS, DEPARTMENT OF JUSTICE

As the Senate Committee on Appropriations, subcommittee on Commerce, Justice, Science and Related Agencies begins the process of crafting Fiscal Year 2025 (FY25) appropriations bills, we strongly urge you to rescind the $506 million in Federal funding for FCI/FPC Letcher to prevent its incalculable environmental, cultural, and demographic damage. Instead, the money can be reappropriated for positive projects in Letcher County.

If funded, FCI/FPC Letcher would be the 5th Federal prison in eastern Kentucky and the 6th Federal prison in Kentucky overall. Eastern Kentucky' 5th District alone houses more federally incarcerated individuals than the entire state of New York yet remains economically distressed. Further raising the risks, FCI/FPC Letcher would sit on an abandoned surface coal mine.

Our group, Concerned Letcher Countians, LLC (CLC) is a non-profit group of citizens centered in Letcher County and working to protect the future of the county, particularly for our youth. We want them to have a place to live, thrive, work, enjoy and be safe. We seek a sustainable community that provides education, healthcare, senior care, and environmental growth and protection. None of these goals includes a Federal prison. In fact, a prison will adversely affect the future of the county, particularly its youth, thus it is of grave concern for Letcher County that we request rescission and transfer of this funding.

While the Bureau of Prisons (BOP) has professed in their Draft Environmental Impact Statement (DEIS) that there has been "consistent, continuous, and unwavering support expressed by Letcher County's elected representatives, community leaders, members of local institutions and businesses, and the general public," their claim is unfounded. A growing number of concerned residents of Letcher County and Kentucky's 5th District are expressing opposition to this proposed Federal project.

Here are several reasons CLC opposes Federal funding for FCI/FPC Letcher prison:

1. The chosen site is an abandoned strip mine, of which the BOP says: "Outside the mining industry, there are few projects involving the nature and scale to the site preparation required to develop the proposed FCI/FPC." In fact, site preparation alone will cost 92% of the total budget, or "$466,203,000" of the $506 million, and that's not including the cost for the building itself. BOP is overbudget in the site preparation alone; they will be asking Congress for more money.

BOP predicts soil and rock excavation of over 10 million cubic yards, and "structural fill" of over 9 million cubic yards which includes valley fill into streams, hollows, wetlands, which increases the risk of future flooding. In short, this will be a federally funded strip mine.

BOP has not adequately addressed the risk of hazardous materials unearthed by the previous surface mining (arsenic, lead, selenium, chromium, mercury, manganese, among other heavy metals) nor does it adequately describe the pollutants left there including petroleum, diesel fuel, electrical transformer fluids, gasoline, antifreeze, among others. These are toxic to humans and wildlife as they contaminate surface and drinking water and will be dug up again in the extensive excavation of this site.

2. Letcher County suffered a devastating flood on July 28, 2022, from which we have not fully recovered. Local services and funds would be used for the prison construction but are needed for houses, road and bridge repairs, water, sewer, garbage pick-up, and for flood reconstruction.
3. Housing is sorely needed in Letcher County, both in flood relief and even before the flood. Though the BOP says that the influx of workers in construction, operation, and permanent operation will live elsewhere and not worsen the housing crisis, local housing leaders say it will.
4. Warehousing incarcerated people to count them in the local decennial census to gain funding for local communities should never be the work of the Federal Government or Congress. The BOP States that this is advantageous because funding can be obtained without the need to house them. This is egregious and strongly alludes to chattel slavery. It is cruel and inhumane to use people and tax dollars this way.
5. Letcher County and Central Appalachia are in a health manpower shortage for mental health and substance misuse services, and so are BOP's facilities. The federally incarcerated population, by some accounts, has up to 40% with mental illness and substance use disorder. It is unacceptable to place them in a county which is lacking those services for its own population.
6. Coal production was the mono-economy of Letcher County and southeastern Kentucky for the last 150 years, but as it wanes, and many jobs lost, the citizenry is vulnerable to a devastating proposition like another prison. This is a false promise that has not shown growth in any of the 3 other southeastern KY counties with Federal prisons. Conversely, Ashland, KY in Boyd County has had a Federal prison since the mid-1970's but also has a more vibrant economy from oil, railroad, and proximity to the Ohio River. Letcher County and the southeastern Kentucky counties do not have that. Nor will another Federal prison ever replace the jobs lost to coal. Other ideas with lasting valence are offered later in this testimony.
7. Economic promises of hotels, jobs, restaurants have not occurred because of the 3 other nearby Federal prisons. Appalachian Regional Commission (ARC) says those counties, Clay, Martin, and McCreary remain "distressed." Communities in those counties have continued to see depressed economies, outmigration, and decreases in school populations since those prisons were built in 1997, 2003 and 2004, respectively. ARC says Letcher County already is "distressed."
8. Jobs are being touted by the proponents despite the BOP's total contradiction in the DEIS. These false promises only serve to mislead residents as we try to process the consequences of a prison to our home community. Case in point, one local leader/proponent said at the recent BOP Public Comment meeting (March 28, 2024) that this prison will provide "a few hundred jobs for Letcher County" yet the DEIS says the hires from Letcher County in construction, operation, and permanent workforce will be "small." Can Congress, in good faith, fund such contradictory public statements?
9. Traffic will be unmanageable on those small roads leading to and from the prison, Hwy 588 and 160. Kentucky's Annual Average Daily Volume for 2020, as quoted in BOP's DEIS says that those roads will go from less than "50 vehicles" per hour to "276 total vehicles" from 3:30 pm to 4:30 pm, when kids are on school buses going home. Those roads are one or two lanes, curvy, and already dangerous before increasing their volume by more than 5-fold during school let-out. How does Congress justify this risk to local school children?
10. Letcher County people are voting with their feet on the proposed FCI Letcher because the DEIS States that of the 3 other Federal prisons in southeastern Kentucky, there are "90" vacancies and only "one" Letcher County resident works there. BOP says this indicates that Letcher County residents lack "interest" or have an inability to meet "hiring requirements." This finding alone shows that Letcher County residents do not want another prison.

11. Understaffing is a major problem across Federal prisons in the United States, and especially in southeastern Kentucky, as the BOP States in their DEIS. Understaffing makes the inherent dangers of prisons even more dangerous for those incarcerated and for the staff. USP McCreary has 36 vacancies; FCI Manchester has 27 and USP Big Sandy has 27 unfilled positions. At the time of the public comment meeting on March 28, 2024, both USP Big Sandy and FCI Manchester were on lockdown, as stated on their websites. A recent General Accounting Office report says that of the 8 Federal prisons with the highest rates of staff suicides, FCI Manchester is one of them. Since those three prisons in southeastern KY cannot remain fully staffed, why misuse tax dollars by building another understaffed dangerous prison in Letcher County?
12. There is no documented need. The Federal prison population has declined since its peak in 2013, and the aging current prisons already have infrastructure, water, and sewage that supports them and could be upgraded. There is no need, thus Congress should not fund it.
13. The BOP fails to provide adequate studies of the effects of this prison on the local population. Case in point, their DEIS says, "Given their small population size, detailed demographic statistics for Whitesburg and other communities in Letcher County are unavailable." If BOP doesn't have these studies, then how can predictions of consequences be accurate? Until such information is available, this prison should not be funded.
14. "Outsiders" is a word applied to anyone opposing this prison, but a conscientiously minded person will recognize that all who pay Federal taxes deserve a say in how the money is spent. Further, since only a "small" number of Letcher Countians, according to the BOP, will be hired at this proposed prison, then most of the employees will be "outsiders" from other counties and regions. Those incarcerated will be "outsiders" from a 500 miles radius, or anywhere in the Mid-Atlantic Region which spans from Delaware to North Carolina and includes Washington, D.C. They will be far from family and home communities, a factor that worsens recidivism outcomes and diminishes reentry programming.
15. The prison's sewage treatment plant will endanger the health of the nearby river, the North Fork of the Kentucky, as well as the Kings Creek tributary. Prison wastewater systems have about a 10-year shelf-life, and that depends on the staff running them. This is too great a risk to the residents downstream as well as wildlife habitat which depend on the North Fork of the KY River.

Concerned Letcher Countians requests, instead of a Federal prison, that Congress rescind the $506 million appropriated for FCI/FPC Letcher and any future requested funds for it. We recommend Congress reappropriate all or part of the funds to Federal accounts across relevant agencies that our community would be eligible for, and that could address the economic distress and the variety of issues Letcher County faces.

Concerning these appropriated Federal tax dollars, we believe better uses would be to prevent incarceration by reappropriating the money, or at least some of it, toward Federal programs that support education and employment training for adolescents and youth, and early childhood and family education, both of which have overwhelmingly shown a reduction in later corrections system involvement.

In conclusion, we recommend Congress reappropriate all or part of the $506,000,000 funds to Federal programs that represent progress for eastern Kentucky and a future for Letcher County youth, and that do not depend on incarceration.

[This statement was submitted by Artie Ann Bates, Secretary.]

PREPARED STATEMENT OF CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS

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) 2025, COSSA urges the Committee to appropriate:

—At least$11.9 billion for the National Science Foundation
—$2 billion for the Census Bureau
—$60 million for the National Institute of Justice
—$75 million for the Bureau of Justice Statistics

First, allow me to thank the Committee for its long-standing, bipartisan support for scientific research. Strong, sustained funding for all U.S. science agencies is es-

sential if we are to make progress toward improving the health and economic competitiveness of the Nation.

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 affecting all Americans.

NATIONAL SCIENCE FOUNDATION

COSSA joins the broader scientific community in support of at least $11.9 billion for the National Science Foundation (NSF) in FY 2025. The U.S. scientific enterprise, including NSF, requires 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 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 eight 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. 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 [1], 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." We all observed first-hand the importance of understanding behavioral and social systems over the last several years as the world collectively worked to gain control of the COVID–19 pandemic. From mask mandates to vaccine hesitancy, the social and behavioral sciences have been shedding light on this uniquely human challenge and informing policy solutions at all levels.

CENSUS BUREAU, U.S. DEPARTMENT OF COMMERCE

COSSA requests that the Committee appropriate $2 billion for the Census Bureau in FY 2025. 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.

With sufficient investment, the Census Bureau can transform its data collection and processing systems, expand its data storage and analysis capabilities, continue its work to improve linking of data from administrative records and big data sources, and ensure that the Bureau continues to set the standard in data security and privacy protection.

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 Census Bureau needs additional funds to expand the ACS sample size (which has not been expanded since

[1] https://www.nap.edu/catalog/24790/the-value-of-social-behavioral-and-economic-sciences-to-national-priorities.

2011) to produce more timely, granular data for a significant number of geographies and sub-populations than currently achievable.

NATIONAL INSTITUTE OF JUSTICE, U.S. DEPARTMENT OF JUSTICE

COSSA requests that the Committee appropriate at least $60 million for the National Institute of Justice (NIJ) within the U.S. Department of Justice's (DOJ) Office of Justice Programs (OJP). NIJ provides funding for research, development, and evaluation projects at institutions across the country to shed light on the most pressing issues facing our Nation's criminal justice system today, including the drivers of domestic radicalization, addressing the drug epidemic, reducing violent crime, improving school safety, and fostering positive relationships between law enforcement and the communities they serve.

Despite the Nation's growing need for objective, science backed solutions, NIJ's budget has been on a gradual decline for more than a decade. Funding shortfalls limit NIJ's ability to disseminate critical findings to law enforcement agencies and other stakeholders who need the most up-to-date information to improve policies and practices that promote public safety and equitable access to justice. The justice system of the future requires sustained investment in cutting-edge research.

BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE

As the Department's principal statistical agency, the Bureau of Justice Statistics produces high-quality data on all aspects of the United States criminal justice system, including corrections, courts, crime type, law enforcement personnel and expenditures, Federal processing of criminal cases, Indian country justice statistics, and victims of crime. COSSA urges the Committee to appropriate at least $75 million for the Bureau of Justice Statistics (BJS).

Despite growing demand from policymakers, researchers, and other stakeholders for high-quality criminal justice data across an expanding array of variables, BJS has also faced significant budgetary challenges over the past decade. Since FY 2010, the BJS budget has decreased by 42%, not accounting for inflation. Steady declines in funding have resulted in antiquated systems and, especially, staffing shortfalls, which can only be resolved through sustained investment. Increased funding would allow BJS to modernize data collection and dissemination systems, hire the necessary experts, and begin to develop the next generation of statistical products to keep pace with the ever-changing criminal justice landscape and fill critical knowledge gaps.

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

[This statement was submitted by Wendy A. Naus, Executive Director.]

PREPARED STATEMENT OF COURT APPOINTED SPECIAL ADVOCATES PROGRAM/ GUARDIAN AD LITEM ASSOCIATION FOR CHILDREN

Chairman Murray, Chair Shaheen, Vice Chairman Collins, Ranking Member Moran, 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 2025 budget including funding for the Court Appointed Special Advocates (CASA) Program through the Office of Justice Programs, State and Local Law Enforcement Assistance Account.

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 of $15 million, the same as the President's FY 2025 budget request, 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 their caregivers.

Emerging issues such as the commercial sexual exploitation of children and our Nation's ongoing 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 250,000 child victims of abuse and neglect.

Child victimization and maltreatment remains all too prevalent in our country and the negative impact on children, their families and society are significant. Trau-

matized 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 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 939 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 child victims of abuse and neglect.

As the needs of children who have experienced 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 children who have experienced abuse and neglect, such as mental health/post-traumatic stress disorder (PTSD), commercial sex trafficking, overmedication, and the growing effects of substance use disorder 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 advocacy 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/GAL 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.

FY 2025 funding of $15 million will be targeted to providing subawards, on a competitive basis, to local and State CASA/GAL organizations, and fortifying resources and training for CASA/GAL programs and their staff and volunteers based upon existing best practices and models. In addition, this Federal funding will be used to target resources to serve over 250,000 child victims of abuse and neglect and continue efforts toward the development of strong state CASA/GAL organizations and local programs that will enhance support of quality service delivery in local commu-

nities. Additional projects may include sustaining development of training on best practices in addressing the needs of children impacted by the opioid epidemic and other forms of substance use disorder, child sex trafficking, children of incarcerated parents, young people aging out of the foster care system and addressing racial disproportionality in child welfare and increasing diversity, equity and inclusion in our member staff, volunteers and governing bodies.

According to the most recent government data available, the number of substantiated child abuse and neglect cases was 588,000 in 2021. 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 needs of children, those children face a complex court process and child welfare system that is often overwhelmed, under resourced and challenging to navigate. Our ability as a national network to serve every child who has experienced abuse or 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 significant 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 use disorder, 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 allocate $15 million, the President's FY 2025 budget request, for the Court Appointed Special Advocates Program in FY 2025 to address the overwhelming need for dedicated advocacy on behalf of children who have experienced abuse or neglect. Thank you for your consideration.

[This statement was submitted by Tara L. Perry, Chief Executive Officer.]

PREPARED STATEMENT OF DAUGHTERS OF PENELOPE

FY25 FUNDING: VAWA, VOCA PROGRAMS & CRIME VICTIMS FUND

Chair Jeanne Shaheen, Ranking Member Jerry Moran, 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 survivors and their families of domestic violence, is requesting meaningful 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.

We sincerely thank Congress for taking important measures recently to strengthen Federal programs that address domestic violence and that provide the lifesaving services needed for survivors and their families. These measures included the passage of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021, which is beginning to help stabilize the Crime Victims Fund, and the passage of a strong bipartisan-backed VAWA reauthorization through 2027. Now, these programs must be properly funded.

To continue funding the essential and lifesaving services to crime victims, Congress must provide a Crime Victims Fund cap for FY 2025 that is set at $1.9 billion; and as the President's FY 2025 budget rightfully proposes, work toward a long-term solution to steady restore VOCA funding and stabilize the CVF. We also support $1.15 billion for VAWA programs but to truly meet survivors' needs.

VOCA PROGRAMS & CRIME VICTIMS FUND

The Victims of Crime Act (VOCA) created the Crime Victims Fund, 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. The Fund provides

formula grants to over 11,000 local victim assistance programs.[1] These agencies provided services to more than six million victims of crime, including victims of murder, assault and sexual assault, domestic violence, child abuse, stalking and elder abuse, and 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 that in the past Congress carved out funds from the CVF to use 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. Therefore, we recommend to the subcommittee that the Fund be used only for programs authorized under the VOCA statute.

Finally, we recommend setting the Crime Victims' Fund cap to at least $1.9 billion, which is $400 million more than the President's recommendation, to address the urgent needs of victims of crime. From FY2023 to FY2024, VOCA funds suffered a 30% cut—an approximate $600 million reduction. State programs are drastically impacted, and the local services providers—such as the ones we support (see further below)—are suffering from the cuts. According to one executive director, Alabama "was hit hard." At the recommended 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. Moreover, we support the President's two part FY2025 budget proposal that provides a roadmap to stability for the Fund and VOCA, starting in FY2026, by allocating $7.3 billion to the Fund and by requiring an annual distribution of $2 billion in VOCA.

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 4 women have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.
—Approximately 8 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 38 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) 2015 Data Brief:

—In the United States, intimate partner contact sexual violence, physical violence, and/or stalking was experienced by 36.4% (or 43.6 million) of U.S. women during their lifetime.[3]
—Almost 1 in 2 women and more than 2 in 5 men reported experiencing contact sexual violence, physical violence, and/or stalking victimization by an intimate partner at some point in their lifetime.[4]

Also, of concern, are the following stats:

—On average, nearly 20 people per minute are physically abused by an intimate partner in the U.S. During 1 year, this equates to more than 10 million women and men.[5]
—Approximately 26% of children under the age of 18 are exposed to domestic violence in their lifetime.[6]

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

[1] https://www.justice.gov/jmd/page/file/1489521/download, Page 144.
[2] NNEDV Domestic Violence Fact Sheet, accessed https://nnedv.org/wp-content/uploads/2022/07/DVSA-Fact-Sheet-Updated-71222.pdf.
[3] https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf.
[4] The National Intimate Partner and Sexual Violence Survey | 2016/2017 Report on Intimate Partner Violence, P.5, accessed https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV__2022.pdf.
[5] https://www.cdc.gov/violenceprevention/pdf/nisvs__report2010-a.pdf.
[6] NNEDV Domestic Violence Fact Sheet, accessed https://nnedv.org/wp-content/uploads/2022/07/DVSA-Fact-Sheet-Updated-71222.pdf.

safe, that offenders are held accountable, and that our communities are more secure. Thanks to VAWA, steady progress has been made, however, there are many victims who still suffer in silence. A 2023 24-hour survey of 1,626 domestic violence programs across the U.S. found that a staggering 76,975 victims were served in one day. However, 13,335 requests for services (such as emergency shelter, transportation, or legal representation) went unmet because programs lacked the resources to provide them, an increase from the previous year.[7] An estimated 54% of the unmet services were for Housing and Emergency Shelter. The extreme gap between need and resources is clear.

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.

Penelope House was the first shelter established in Alabama when it opened 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 life-saving support to domestic violence victims and their children.

STATISTICS | effectiveness and importance of vawa and voca grant funding

—Historically, VOCA/VAWA grants have funded more than 35% of Penelope House's budget.

Penelope House's Court Advocacy Program is funded by VOCA and VAWA. Its 2023 stats for clients served were:

—Adult Clients: 6,916
—Children: 5,812
—Court Appointments with Clients: 6,263
—Clients Assisted to obtain protection from abuse or no contact orders: 1,439

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 has become increasingly important to Penelope House because its services were expanded to include more counties.)

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 survivor 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—although the shelter is not fully staffed due to funding reductions and therefore not able to fully meet the community's needs. It's 2023 service stats:

—Adults sheltered: 239
—Children sheltered: 252
—Total Client Service Hours: 7,441.5
—Total Nights of shelter provided: 4,611
—Crisis calls: 1,558
—Meals Served: 13,909

[7] 18th Annual Domestic Violence Counts Report, accessed https://nnedv.org/wp-content/uploads/2024/03/18th-Annual-DV-Counts-Report-National-Summary-FINAL-EN.pdf (nnedv.org).

Penelope's Place, a five-bedroom shelter, is the only emergency domestic violence shelter in Brockton and one of only 26 in Massachusetts. It is often the first stop for the region's most vulnerable families and the last chance for trauma survivors who have nowhere else to turn.

—In Fiscal Year 2023 (July 1, 2022 to June 30, 2023), it housed 58 survivors of domestic violence, including children, who were fleeing imminent danger. 100% of the residents were low-income as determined by the U.S. Department of Health and Human Services.
—Since FY 18, the shelter has seen a 31% increase in the number of survivors served.
—In FY 23, half of the survivors were adults while the other half of the survivors served were children of whom 34% were infants (under 1 year of age) and 55% were children under the age of 10—both increases from FY 22.

VOCA and VAWA funding is equally vital to Penelope's Place. VOCA funding supports a rape crisis center and domestic violence support programs including "SAFEPLAN" court advocacy that aids residents with restraining and harassment orders. According to Penelope Place's president and CEO, *"In fact, 75% of people who call a Statewide shelter for DV shelter are turned away every day. That's why VAWA and VOCA funding is so important-the more supports/resources we can provide survivors, the safer they are, and the more people we can serve as we are able to help them move into affordable housing more quickly."*

RECOMMENDATION

The Daughters of Penelope 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 FY 2025 set to at least $1.9 billion and without any transfers to programs not authorized under the VOCA statute. The CVF is not funded by taxpayer dollars. Therefore, the cap can be sustained or raised without adding to the National debt or deficit and a roadmap for stability must be in place. We also support $1.15 billion for VAWA to meet survivors' needs. As the missions of domestic violence centers nationwide, such as Penelope House and Penelope's Place, expand into jurisdictions due to the unfortunate increased need to provide services, the viability of VOCA and VAWA grants have become ever more important to meet the survivors' needs.

Thank you for the opportunity to submit our written testimony to the subcommittee.

[This statement was submitted by Marianthi Treppiedi, National President.]

PREPARED STATEMENT OF ENTOMOLOGICAL SOCIETY OF AMERICA

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 joins the research community by requesting a robust fiscal year (FY) 2025 appropriation of $11.9 billion for NSF, including strong support for the Directorate for Biological Sciences (BIO). Through activities within BIO, NSF advances the frontiers of knowledge about complex biological systems at multiple scales, from molecules and cells to organisms and ecosystems. NSF BIO is the Nation's primary funder of fundamental research on biodiversity, ecology, and environmental biology. In addition, the Directorate contributes to the support of essential research infrastructure, including biological collections and field stations.

For nearly 75 years, the 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 over 350,000 researchers, scientific trainees, teachers, and students, primarily through competitive grants to nearly 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 Graduate Research Fellowship Program (GRFP), ensuring that the United States will maintain its global leadership in science and engineering research.

NSF-sponsored research in entomology and other basic biological sciences, primarily supported through BIO, 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 challenges in a wide range of fields, including conservation biology, habitat management, food and livestock production, pest management, and policy.

NSF BIO has supported crucial work to understand vector-borne diseases, directly relevant to the nearly 500,000 Americans infected with a tick-borne disease annually[1]. In a recent needs assessment survey of vector control specialists from the Southeastern United States, respondents highlighted an underinvestment in vector control activities focused on ticks, with the majority of professionals focused on mosquitos.[2] This is one reason why vector control agencies are largely unaware of where tick populations are highest, preventing formal tick control and yielding continued disease transmission. In 2020, NSF awarded a $5.8 million grant to the University of Idaho to leverage big data to improve the prediction of tick-borne disease patterns and dynamics[3]. With this support, the research team conducted investigations on the integration of tick environment, ecology, human behavior, and socioeconomics using advanced mathematics to identify hotspot areas for targeted tick control activities. Their work has the potential to create a paradigm shift in how limited datasets can be utilized to better inform vector control response.

Research supported through NSF's Center for Environmental Sustainability through Insect Farming (CEIF) will be critical to developing new methods to enhance and accelerate the feasibility of using insects as feed for livestock, poultry, and aquaculture.[4] CEIF brings together leading industry and academic experts from across the United States to address research gaps that are necessary to explore in for insect-based products to become a sustainable alternative for feed and food production. This work, which is being conducted through a partnership between Purdue University, Indiana University, Texas A&M, and Mississippi State University along with private sector partners, not only plays a critical role in workforce training but also has the potential to transform the global food system.

NSF also supports the development of technologies and methods that directly impact economic sectors that are highly dependent on entomology. For example, recent GRFP recipients have explored innovative approaches to managing pest-induced agricultural damage to commodity crops and insects' behavioral responses to external stimuli, with significant economic and human health implications. A recent study led by an NSF GRFP recipient investigated the effectiveness of post-harvest cold storage in spotted-wing drosophila control. Spotted-wing drosophila is a uniquely devastating pest of small fruits like blueberries, raspberries, and strawberries owing to its ability to lay eggs in ripening fruit. The estimated revenue losses of wild blueberries due to spotted wing drosophila amounted to nearly $7 million in the State of Maine alone.[5] The study found that storing fruit at or near freezing temperatures for 3–5 days resulted in decreased pest survival. After accounting for slight daily cost depreciation from holding the crop and the initial investment of purchasing a cold storage system, farmers could realize individual net profits of $88,000 to $483,000 over 20 years by utilizing these post-harvest cold storage protocols.[6] This practice also has the potential to reduce the need for pesticides and could prevent unintentional spread of the pest through shipment and trade.

NSF has also supported work directly relevant to biodiversity conservation. Monarch butterflies, renowned for their stunning migrations, are in urgent need of protection and conservation efforts due to increasing parasite infections threatening their populations. Monarch caterpillars feed on milkweed, which contain toxic cardenolides that not only protect monarchs from vertebrate predators,[7] but which

---

[1] Trends in Reported Vectorborne Disease Cases—United States and Territories, 2004–2016, available at: https://www.cdc.gov/mmwr/volumes/67/wr/mm6717e1.htm?s_cid=mm6717e1_w.

[2] Dye-Braumuller, K.C. et. al. Needs Assessment of Southeastern United States Vector Control Agencies. Trop. Med. Infect. Dis. 2022, 7(5), 73; https://doi.org/10.3390/tropicalmed7050073.

[3] https://www.nsf.gov/awardsearch/showAward?AWD_ID=2019609.

[4] Center for Environmental Sustainability Through Insect Farming, available at: https://iucrc.nsf.gov/centers/center-for-environmental-sustainability-through-insect-farming/.

[5] Yeh, D. A. et al. The Economic Impacts and Management of Spotted Wing Drosophila (Drosophila Suzukii): The Case of Wild Blueberries in Maine. Journal of Economic Entomology, 6 Jun. 2020, https://pubmed.ncbi.nlm.nih.gov/31943106/.

[6] Kraft, L.J. et al. Determining the effect of postharvest cold storage treatment on the survival of immature Drosophila suzukii (Diptera: Drosophilidae) in small fruits. Journal of Economic Entomology, 11 Sept. 2020, https://doi.org/10.1093/jee/toaa185.

[7] Brower, L., and C. Moffitt. 1974. Palatability dynamics of cardenolides in the monarch butterfly. Nature 249: 280–283.

have also been found to provide protection from the virulent protozoan parasites.[8] However, the concentration and composition of cardenolides needed to effectively reduce protozoan parasite infections is unknown. A new study, funded in part by support through the National Science Foundation GRFP, found that diverse mixtures of cardenolide compounds even at low concentrations performed better than individual cardenolides at high concentrations to reduce parasite infections in monarch butterflies.[9] This breakthrough suggests that selecting and planting milkweed species that produce diverse cardenolides can better protect monarch butterflies from protozoan parasite infections.

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 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. Furthermore, new and emerging technologies enable scientists to gain novel insights from physical historic samples in an ongoing manner.

While collections-focused awards are encouraging, ESA is concerned by the inconsistent Federal support 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. Furthermore, new and emerging technologies enable scientists to gain novel insights from physical historic samples in previously unanticipated way. Given their continuing relevance and broad application to domestic homeland security, public health, agriculture, food security, and environmental sustainability, ESA firmly supports continued Federal investment in programs supporting collections such as NSF's Infrastructure Capacity for Biological Research.

Given NSF's critical role in supporting fundamental research and education across science and engineering disciplines, ESA supports an overall FY 2025 NSF budget of $11.9 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/.

[This statement was submitted by Jennifer A. Henke, BCE, President.]

PREPARED STATEMENT OF ENVIRONMENTAL SOLUTIONS INTERNATIONAL

Chair and Members of the subcommittee, in this testimony we address appropriations and directions for the agencies listed above for the recovery of great whales and the climate while enhancing fisheries, and for the protection of our elections, as they will determine the rest.

---

[8] Lefévre, T., L. Oliver, M. D. Hunter, and J. C. de Roode. 2010. Evidence for transgenerational medication in nature. Ecology Letters 13: 1485–1493.

[9] Hoogshagen, M., A. P. Hastings, J. Chavez, M. Duckett, R. Pettit, A. P. Pahnke, A. A. Agrawal, and J. C. de Roode. 2023. Mixtures of milkweed cardenolides protect monarch butterflies against parasites. Journal of Chemical Ecology: 1–11.

We have spent much of our careers in wildlife conservation and science, election protection and responsive government. Some of us worked with Senate champion Joe Biden and House sponsor Barbara Boxer, to enact the Dolphin Protection Consumer Information Act (the dolphin-safe labeling act of 1990) (Public Law 101–627). We also helped improve the Endangered Species Act in 1988 and recently suggested recovery steps for the North Atlantic Right Whale (NARW).

A Win-Win Solution for Whales, Lobstermen and the Climate: Speed limits, technology, and whale-safe marketing and Greenhouse Gas Removal (GGR). There are several ways that nature removes methane (one of the most powerful climate pollutants) and CO2. One is through natural ocean iron fertilization, a process that we can enhance, with co-benefits in increased populations of phytoplankton, lobster larvae and great whales. A related method uses similar iron aerosols added just over the ocean to oxidize methane out of existence. These are covered below.

The Committee should ask the relevant agencies for capability statements estimating the cost of the recommended programs and several options for offsetting reductions in the budget in time to include appropriations and authorizing language, while accounting for the increases in productivity and thus, tax income, likely to flow from these enhancements. We ask that you:

(1) Direct NOAA, in consultation with the EPA and Justice, to conduct further research on GGR including but not limited to that recommended by the National Academy of Sciences to assess and deploy ocean-based methods of removing CO2, methane, and other greenhouse gasses (GHG), and by directly restoring great whales and other ocean life to perform what even the International Monetary Fund reported would provide billions of dollars in climate services. (https://www.imf.org/en/Publications/fandd/issues/2019/12/natures-solution-to-climate-change-chami#:~:text=We%20estimate%20that%2C%20if%20whales,whales'%20CO2%20sequestration%20efforts.) A previous study by Schmitz found rewilding nine species groups—marine fish, whales, sharks, gray wolves, wildebeest, sea otters, musk oxen, African forest elephants, and American bison-could sequester 6.4 billion more tons of carbon, nearly the annual carbon footprint of the U.S.

(2) Direct NOAA to collaborate with the DOJ, the EPA, The International Maritime Organization and others to propose regulations to ensure the full and proper deployment of Ocean-based GGR and sea life restoration. The methods recommended by the NAS for further testing include methods that could increase and enhance the food supply of baleen whales, like the NARW, as well as lobster larvae, creating a win-win for the fishing, conservation, and scientific communities. (https://nap.nationalacademies.org/read/26278/chapter/5#99; https://nap.nationalacademies.org/read/26278/chapter/8 and https://www.nationalacademies.org/event/40025__10-2023__atmospheric-methane-removal-needs-challenges-and-opportunities https://www.nationalacademies.org/event/40025__10-2023__atmospheric-methane-removal-needs-challenges-and-opportunities) The NAS sets out budgets for this research, for example Table 3.4 at page 100 in the Ocean CO2 Report—https://nap.nationalacademies.org/read/26278/chapter/5#99.

(3) Direct the U.S. Trade Representative and the International Trade Commission and Administration to assess and propose options for improving the standards and incentives adopted by all parties under the Global Methane Pledge and the Montreal Protocol (which may have jurisdiction over some climate interventions) and for using trade (tariffs, embargoes, etc.) and aid to expedite and scale up GGR. And direct OSTP and all of Commerce to cooperate in this work.

(4) Direct the Administrator of NOAA to report to the Committees of jurisdiction on options for governing GGR domestically and internationally to ensure that such methods are neither underdone, overdone nor improperly done. These should include and assess the governance recommendations received by the OSTP regarding its 5-year plan and a draft Executive Order to assess, test, expedite and govern climate interventions here and abroad.

The death of any whale by preventable human causes must be avoided, but the deaths of 3 female NARWs in the first 3 months of 2024, means that we have also lost all the calves they could have borne had they not been killed by ship strikes or fishing gear entanglement. Mothers with calves are especially vulnerable as they spend more time at the surface. Near the Statue of Liberty, a cruise ship carried a dead sei whale on its bow as if to say "This is the welcome we give to whales." (https://www.bbc.com/news/av/world-us-canada-68980345). In 2019 over 100 shipping companies and conservation groups wrote the IMO urging them to adopt speed limits for ships to reduce pollution and increase efficiency. https://

www.transportenvironment.org/wp-content/uploads/2021/07/Joint%20industry__NGO%20speed%20letter%20to%20the%20IMO.pdf.

We ask that you direct NOAA to:

(a) implement mandatory ship speed limits for vessels 35 feet and larger, and
(b) aggressively pursue development, refinement, and implementation of ropeless fishing gear for fixed trap fisheries; and
(c) propose a whale-safe marketing program for lobster caught with ropeless gear and for ships equipped with effective, automatic speed controls that can be overridden but take effect when whale warnings are in effect.

Suggested Bill Language—Under National Oceanic and Atmospheric Administration Operations, Research, and Facilities (Division B—Commerce)

add: Provided further, That of the amount appropriated for the Department, an increase above the amount requested by the Administration for FY2025 of no less than $10,000,000, of the funds made available each year, through the Inflation Reduction Act or otherwise, be used, via reprogramming or otherwise, to establish and enforce mandatory boat and ship speed limits to protect great whales, including but not limited to NARW, from ship strikes, provided further that mandatory enforcement may include fines that may be retained and used for the salaries and expenses associated with such enforcement; Provided further, That any proceeds from seizure and sale of ships violating such mandatory speed limits, and the cargos thereof, may be retained and used by the NOAA for enforcement of speed limits, such proceeds to remain available until expended. An increase above the amount requested by the Administration of no less than $20,000,000 is hereby appropriated to be used by the Administrator to establish a program for the development, assessment and field testing of methods of GGR through the use of ocean fertilization and enhanced atmospheric methane oxidation using iron and, as the Administrator may determine, other micronutrients in areas found to be lacking. This complements $36 million awarded by ARPA–E for marine CO2 removal in 2023. The Administrator shall report quarterly on the progress and results of such program and recommend changes to enhance the program.

Under Coast Guard (Division F—Homeland Security) in the full Committee or as a pass-through in the CJS bill add: Provided, That of the amount appropriated for the Department, for FY2025 or from the IRA, no less than $10,000,000 above the amount requested shall be available, in consultation with the Secretary of Homeland Security, to enforce mandatory boat speed limits and other regulations to protect great whales from ship strikes, provided further that such enforcement may include fines that may be retained and used for expenses associated with such enforcement; Provided further, That proceeds from seizure and sale of ships violating such mandatory boat speed limits or other regulations for NARW conservation, and the cargos thereof, may be retained and used by the Coast Guard in cooperation with NOAA for expenses associated with enforcing such boat and ship speed limits, proceeds to remain available until expended.

Division B—Commerce, Justice, Science, and Related Agencies—Title I—Department of Commerce—Under Scientific and Technical Research and Services, within the support for Climate and Energy Measurement, Tools, and Testbeds: The National Institute of Standards and Technology (NIST) shall direct such funds from the amounts appropriated as necessary to expand its research on ocean-based destruction and removal of the greenhouse gasses including but not limited to methane and CO2. NIST shall report to the Committees on its progress within 6 months and annually thereafter.

Under Division JJ—North Atlantic Right Whales: Given the recently documented deaths and injuries of NARWs due to lobster rope entanglement, we recommend that Congress direct the Administrator to provide a buy-out option for each of the years up to 2029. We suggest bill language here in a new Subsection (c):

To the previously enacted provision beginning with "SEC. 101. NORTH ATLANTIC RIGHT WHALES AND REGULATIONS." add a new subsection (c) below:

(a) IN GENERAL.-Notwithstanding any other provision of law except as provided in subsection (b), for the period . . . the Final Rule amending the regulations implementing the Atlantic Large Whale Take Reduction Plan (86 Fed. Reg. 51970) shall be deemed sufficient to ensure . . .

(b) EXCEPTION.- . . .

(c) Compensation for Voluntarily Ending or Suspending Rope Use: The Administrator is hereby directed to provide a buy-out option for each of the years up to 2029 to pay lobstermen and Jonah Crab fishermen their average net annual profit from their fishing operations as reported to the Maine and Federal revenue services, made using roped gear for the previous 3 years if they remove their gear from the

water for that full season, or to pay in proportion to the part of the season not so fished when great whales are likely to be present, if the Administrator confirms throughout that period in consultation with state authorities that they have complied and that there is a parallel reduction in the fleet using ropes and that the number of ropes in the water of or off each State used by NARWs has been reduced accordingly. The Administrator shall assess fines for violating the agreements at treble damages. The Administrator is hereby authorized to provide, in consultation with the Secretary of the Treasury, a refundable tax credit in lieu of direct payment, for documented compliance with such buy-out terms as the Administrator may prescribe. In exchange for such payment, the Administrator shall require fishermen accepting the buy-out to participate in a program of testing ropeless fishing gear which allows them to keep and sell such lobster or crab as they may catch with only a 50% reduction in the payments they have received for each dollar of net profit from the sale of that catch and prepare to market such seafood as "Whale Safe" under a program the Administrator shall prepare. Administrator of NOAA shall within 30 days of the date of enactment implement its proposed mandatory speed limit, making it applicable to all boats 35 feet and longer in any areas and times where great whales are likely to be present. The Administrator and the Commandant of the Coast Guard shall enforce the speed limits through means such as fines, confiscation of vessels and cargo, and suspension or, upon a second violation, permanent loss of captains' and pilots' licenses. NOAA Fisheries shall use such FY2025 or IRA funds as necessary but no less than $5,000,000 more than requested to expand its Gear Lending Library and training program for fixed trap fisheries, and award grants to address any existing technological deficiencies of ropeless technology that discourages adoption.

Protecting Elections—Direct the Census Bureau, the Election Assistance Commission and the Attorney General to report jointly to the Committees on Appropriations, Oversight, and Administration and the public within thirty days, to the extent possible, every month thereafter in 2024 on the extent to which the right to vote has "in any way" been abridged by any state or jurisdiction by changes in the law, the administration thereof, and court decisions since 2012. The report should apply the stipulations of Section 2 of the 14th Amendment to the delegations to the House of any state that has adopted de jure or de facto measures that are likely to abridge, limit or impede "in any way" voting age residents, including but not limited to racial and ethnic minorities, the elderly, handicapped, those without drivers' licenses, those stationed or enrolled for a limited time in state, and others, from exercising their right to vote. The report should provide for each State the number of Members of Congress, and thus electors, who would no longer be eligible to serve after the 2024 election if Section 2 were to be fully implemented and a list of States that would receive those redirected House seats and electors.

Direct the DOJ and Election Assistance Commission, in consultation with the Cyber Security and Infrastructure Security Agency's Project 2024 (https://www.cisa.gov/topics/election-security/protect2024) to report within 30 days of your request, on:

(a) the extent to which each State and jurisdiction managing its own elections has installed or instituted state of the art physical and technical security and transparent auditing procedures, such as preserving ballot images to help avoid the need for expensive recounts;
(b) recommendations for legislation and other steps to incorporate by statute (amending 52 U.S.C. § 10701), the specific requirement that electronic election records, including original digital ballot images, be preserved for 22 months (like all other election records) and that they be posted online (as is already done in some jurisdictions) as issued in the July 19, 2021, DOJ directive that all electronic voting and election records must be preserved just as paper records must, and
(c) recommendations for legislation and other steps to provide a private right of action to enforce the election laws with awards of reasonable attorneys and expert witness' fees to substantially successful plaintiffs so that voters need not rely on any Department of Justice that may not have the resources or the inclination to enforce the law.

[This statement was submitted by Sandra Scholar, Esq., John Fitzgerald, Esq., Albert Manville, Ph.D., Christine Real de Azua, Carmella Mazzotta & Christopher Croft.]

PREPARED STATEMENT OF FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

Chair Jeanne Shaheen, Ranking Member Jerry Moran and Members of the Committee, FASEB FY 2025 Recommendation: at least $16.7 billion for 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 and innovation enterprise while also advancing our security and economic interests. Through the recently created Directorate for Technology, Innovation and Partnerships (TIP), it will be better able to collaborate with other stakeholders to translate fundamental research into commercially viable products and services enhancing our competitiveness on the global stage. However, NSF must have enough funds to enable steady, sustained increases across the entire agency.

In FY 2024 the enacted level was $9.06 billion for NSF. The Fiscal Responsibility Act, (Public Law 118–5), reduces FY 2024 nondefense discretionary (NDD) spending to $704 billion which is below the FY 2023 level. The bipartisan top line agreement between the House and Senate raises NDD to $773 billion for FY 2024. However, there is no guarantee that with this increase, NSF will receive enough to reach the CHIPS and Science Act (Public Law 117–167) authorized level for FY 2024 of $15.65 billion.[1]

In FY 2023, NSF benefited from over $1 billion in emergency supplemental funding and was appropriated a total of $9.9 billion. With $335 million of that directed towards implementation of the CHIPS and Science Act, $9.5 billion was left for more traditional use which still required the agency to make cuts to priority areas when they developed their FY 2023 spend plan. NSF faces additional challenges should Congress fail to provide the agency with its authorized level in the final FY 2024 appropriations bill, including being unable to meet the urgent needs in emerging industries, building a resilient planet, and supporting workforce efforts to scale our science and innovation ecosystem to meet our competitive needs. These include scaling the Regional Innovation Engines program supporting innovation in geographies that have not received the full benefits of technology advancements in decades; increasing work in artificial intelligence; and expanding programs in other emerging areas such as biotechnology and scaling the science ecosystem.[2]

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

Support multi-disciplinary research.—By leveraging its portfolio across the sciences, NSF funds cutting-edge research at the interface of the physical, biological, and social sciences to tackle challenges in creative ways, including climate change, biodiversity loss, and One Health.[3]

Organize and lead research partnerships at speed and scale.—The NSF coordinates and leads interagency research endeavors, including partnerships with NIH and DOE SC. These collaborations advance public health and clean energy, the development of artificial intelligence, and other national priorities.[4]

Train the next generation of scientists from diverse backgrounds.—NSF plays a key role in creating educational pathways and supporting the accessibility of scientific education, training scientists from diverse backgrounds to increase inclusivity in science, advancing AI, and promoting national security. These scientists—some of whom will become entrepreneurs—will work across different scientific disciplines and broaden participation in science and engineering among underrepresented and diverse groups.[5]

There is also a pressing need to expand our scientific enterprise across all disciplines as well as diversify the STEM workforce. Recent data demonstrates that NSF was able to fund only 29 percent of the high-quality research proposals that were submitted, rather than the National Science Board recommendation of 30 percent.[6] While the trend in NSF awards is improving, there are still deserving proposals that do not receive funding, leaving a rich portfolio of research opportunities to explore.[7]

Meanwhile, according to the National Science Board's Science & Engineering (S&E) Indicators 2022 report, the U.S. is falling behind at 10 percent compared to

---

[1] CNSF+FY24+NSF+Letter+to+OMB+&+OSTP.pdf (squarespace.com).
[2] NSF FY 2024 Budget Request to Congress.
[3] NSF's 10 Big Ideas, National Science Foundation, Alexandria, VA.
[4] NSF Collaborations with Federal Agencies and Others, National Science Foundation, Alexandria, VA.
[5] Education and Human Resources Directorate, National Science Foundation, Alexandria, VA.
[6] NSF by the Numbers.
[7] NSB's NSF FY 2021 Merit Review Digest.

China's 49 percent of international patents received from 2010 to 2020.[8] The publication of research in peer-reviewed literature—the primary mechanism for disseminating new S&E knowledge—grew at an annual average rate of 3 percent for high-income countries such as the US compared to 11 percent for upper middle-income countries such as China, Russia, and Brazil over a 10 year period.[9]

Our recommendation of at least $16.7 billion for NSF is $6.8 billion (68% increase) above the FY 2023 enacted level of $9.9 billion, which includes one-time emergency supplemental funding.[10] This will allow NSF to further attract highly qualified early-career researchers, fund more high-quality research proposals, and increase NSF"s average award size.[11] In addition to supporting the Biological Sciences, this funding level will support NSF's new TIP Directorate, which will work with all of NSF"s directorates and offices to advance the impacts of NSF-funded research by accelerating the translation of fundamental science and engineering discoveries into innovative new technologies and solutions to address the country's societal, national, and geostrategic challenges. TIP will also grow the domestic workforce in key technology focus areas which includes biotech, data storage and management, high performance computing, and expanding participation of researchers at all levels of education to build infrastructure for use-inspired and translational research, support mentoring, identify the drivers of innovation to enable advances, and develop beneficial partnerships with Black and Tribal colleges, minority serving institutions, and nonprofits, among other groups.[12]

[This statement was submitted by Ellen Kuo, Associate Director Legislative Affairs.]

Prepared Statement of Federation of Associations in Behavioral and Brain Sciences

Chairwoman Shaheen, Ranking Member Moran, and Members of the subcommittee:

The Federation of Associations in Behavioral and Brain Sciences (FABBS) is grateful for the opportunity to submit testimony for the record in support of the National Science Foundation (NSF) budget for fiscal year 2025 (FY25). FABBS represents twenty-nine scientific societies and nearly 60 university departments whose members and faculty share a commitment to advancing knowledge of the mind, brain, and behavior. FABBS urges the subcommittee on Commerce, Justice and Science to fund NSF with at least $11.9 billion in FY25. This request is consistent with the broad scientific community as represented by the Coalition for National Science Funding (CNSF)—an alliance of over 140 professional organizations, universities and businesses supporting the goal of increasing national investment in NSF—of which FABBS serves as a cochair.

Adequate funding for NSF is critical to ensure the health and productivity of our American scientific and innovation ecosystem. While aware of the difficult fiscal climate, FABBS argues that NSF-funded research pays long-term dividends in technologies and advances driving our economy, national security, well-being, and other areas of significant importance to our Nation. In addition, NSF research and programs provide the tools to develop a workforce equipped for the challenges and technologies of the future and foster the next generation of scientists—with a commitment to broad participation—whose work will keep this country at the forefront of discovery.

In 2022, Congress passed the bipartisan and bicameral CHIPS and Science Act (Public Law 117–167), reauthorizing NSF for 5 years, including $16.7 billion for the agency in FY25. And yet, the FY24 level was cut by more than five percent (almost $500 million) from FY23. When including FY23 supplemental funding, the cut is even more significant further interrupting the Congressional vision for the NSF necessary for the U.S. to remain competitive internationally.

---

[8] https://ncses.nsf.gov/pubs/nsb20221/u-s-and-global-science-and-technology-capabilities#invention-and-innovation Figure 25—Shares of international patents granted to inventors, by selected country or economy: 2010 and 2020.

[9] https://ncses.nsf.gov/pubs/nsb20221/u-s-and-global-science-and-technology-capabilities#invention-and-innovation.

[10] CJS FY 23.pdf (senate.gov) NSF in CJS bill and NSF FY 2023 budget of $9.5 billion.

[11] CHIPS and Science Act, 2022, Sec. 10601 Early-Career Research Fellowship Program, page 268.

CHIPS and Science Act, 2022, Sec. 10381 Establishment of TIPS, page 212 and Key Technology Focus Areas, page 216.

DIRECTORATE FOR SOCIAL, BEHAVIORAL, AND ECONOMIC SCIENCES

FABBS scientists have a particular interest in the Directorate for Social, Behavioral and Economic (SBE) Sciences. SBE provides an estimated 63 percent of the Federal funding for fundamental research in SBE sciences at academic institutions across the country. Thus, our fields are heavily dependent on the NSF to enable advances from expanding our understanding of the mechanisms of memory underlying brain activity, to contributing to the design of and assessing the social and ethical consequences of new technologies.

Findings from the brain and behavioral sciences have extensive reach and applicability. For example, SBE funded researchers studying violent extremism delivered new insights that the National security community is now using to develop more effective strategies to disrupt, recruit, and counter radicalism.

SBE houses the National Center for Science and Engineering Statistics (NCSES), a Federal agency that provides statistical information about the United States' science and engineering (S&E) enterprise. NCSES collects, analyzes, and disseminates data on research and development (R&D), the S&E workforce, the condition and progress of science, STEM education, and U.S. competitiveness. Science and Engineering Indicators, the most comprehensive source of this high-quality Federal data in a global context, depends on NCSES data. The National Science Board is currently considering new and improved ways to share key data with policymakers, educators, and the public including an interactive dashboard and more timely thematic reports.

In addition to receiving support from SBE, FABBS members appreciate critical funding from the Directorate for STEM Education (EDU). Research in the Directorate focuses on increasing America's human capital through effective education in science, technology, engineering, and mathematics. EDU is especially vital to expanding participation in science through programs such as S–STEM, which provides scholarships to enable low-income students with academic ability, talent, or potential to pursue successful careers in promising STEM fields. The Directorates for Computer and Information Science and Engineering Directorate (CISE), which funds research on topics such as human-technology interaction and cyber-assisted learning, and the Biological Sciences (BIO), which conducts research on topics such as sleep and circadian rhythms and sex differences in responses to stress also provide valuable resources for our disciplines.

TECHNOLOGY, INNOVATION, AND PARTNERSHIPS

When NSF officially launched the Directorate for Technology, Innovation, and Partnerships (TIP) in March of 2022, the community viewed it as an exciting cross-cutting approach to translate basic research to make a difference in American's lives. By building on existing multidisciplinary programs, such as the Convergence Accelerator, TIP aspires to integrate the expertise of all NSF directorates to advance new use-inspired research. However, the enthusiasm for TIP was informed by the promise and expectation that the NSF budget would see a growth trajectory. Congress has the opportunity to help NSF recover from the cuts in FY24 and to deliver on meaningful budget increases in FY25.

FABBS is grateful for language in the FY24 appropriations report: "In developing the spending plan, the agreement encourages NSF to equitably distribute funding to support all basic research directorates within R&RA, as well as the Technology, Innovation and Partnerships Directorate."

It is imperative that the rest of NSF see sustainable growth to continue the forefront research to meet key national challenges. Even before the launch of the TIP and other new programs authorized in CHIPS and Science NSF was unable to fund more than $1.7 billion worth of research proposals rated "very good or higher" each fiscal year. New efforts can only be successful when built on a strong foundational research enterprise that supports education, programs, and infrastructure to sustain our science and technology ecosystem. Substantial, sustained funding increases will allow NSF to realize the full potential of the TIP directorate by investing in critical new programs while bolstering the existing investments in basic research—including in the social, behavioral, and economic sciences—which underly future societal, economic, and technological advances.

Increasing Federal investment in fundamental scientific research across all sciences is essential to ensuring the future prosperity, security, and health of our Nation and its people. We urge you to provide NSF with at least $11.9 billion for FY25. Along with the broader scientific community, we believe that increased funding for fundamental scientific research would set the NSF on a path to yield transformative benefits to the country. We thank you in advance for your commitment to robust funding in FY25 and efforts to complete the budget in a timely manner.

Thank you for considering this testimony.

FABBS Member Societies:

Academy of Behavioral Medicine Research, American Educational Research Association, American Psychological Association, American Psychosomatic Society, Association for Applied Psychophysiology and Biofeedback, Association for Behavior Analysis International, Behavior Genetics Association, Cognitive Neuroscience Society, Cognitive Science Society, Flux: The Society for Developmental Cognitive Neuroscience, International Congress of Infant Studies, International Society for Developmental Psychobiology, National Academy of Neuropsychology, The Psychonomic Society, Society for Behavioral Neuroendocrinology, Society for Computation in Psychology, Society for Judgement and Decision Making, Society for Mathematical Psychology, Society for Research in Adolescence, Society for Psychophysiological Research, Society for the Psychological Study of Social Issues, Society for Research in Child Development, Society for Research in Psychopathology, Society for the Scientific Study of Reading, Society for Text & Discourse, Society of Experimental Social Psychology, Society of Multivariate Experimental Psychology, Vision Sciences Society

FABBS Affiliates:

American University; Arizona State University; Binghamton University; Boston College; Boston University; Carnegie Mellon University; Duke University; Drexel University; East Tennessee State University; Florida International University; George Mason University; George Washington University; Georgetown University; Harvard University; Indiana University Bloomington; Johns Hopkins University; Lehigh University; New Mexico State University; Massachusetts Institute of Technology; Michigan State University; New York University; North Carolina State University; The Ohio State University, Center for Cognitive and Brain Sciences; Pennsylvania State University; Princeton University; Purdue University; Rice University; Southern Methodist University; Syracuse University; Temple University; Texas A&M University; Tulane University; University of Arizona; University of California, Berkeley; University of California, Irvine; University of California, Los Angeles; University of California, Riverside; University of California, San Diego; University of Chicago; University of Cincinnati; University of Delaware; University of Illinois at Urbana-Champaign; University of Iowa; University of Maryland, College Park; University of Michigan; University of Minnesota; University of Minnesota, Institute of Child Development; University of North Carolina at Greensboro; University of Oregon; University of Pennsylvania; University of Texas at Austin; University of Texas at Dallas; University of Virginia; University of Washington; Virginia Tech; Wake Forest University; Washington University in St. Louis; Western Kentucky University; Yale University

[This statement was submitted by Juliane Baron, Executive Director.]

PREPARED STATEMENT OF FOUNDATION FOR AMERICAN INNOVATION

Chair Shaheen, Ranking Member Moran, and Members of the subcommittee:

My name is Robert Bellafiore, and I am Research Manager at the Foundation for American Innovation, a think tank focused on promoting innovation, strengthening governance, and advancing national security. I am writing to recommend that the subcommittee direct the National Science Foundation (NSF) to improve its reporting about the outcomes of its education research and development (R&D) programs.

The mission of NSF's Directorate for STEM Education is to "develop a well-informed citizenry and a diverse and capable workforce of scientists, technicians, engineers, mathematicians and educators."[1] NSF's Technology Innovation and Partnerships Directorate (TIP) "creates breakthrough technologies; meets societal and economic needs; leads to new, high-wage jobs; and empowers all Americans to participate in the U.S. research and innovation enterprise."[2] According to the FY2025

[1] "Directorate for STEM Education (EDU)," NSF, accessed April 16, 2024, https://new.nsf.gov/edu.

[2] "Directorate for Technology, Innovation and Partnerships (TIP)," NSF, accessed April 16, 2024, https://nsfpolicyoutreach.com/resources/fall-2022-gc-directorate-for-technology-innovation-and-partnerships-tip.

budget request, NSF has requested $1.3 billion for the STEM Education Directorate and $900 million for the TIP Directorate.[3]

These are significant expenditures on programs that should be improving students' learning opportunities and our National competitiveness. However, a 2023 review by my colleague of NSF-funded STEM education R&D programs found that NSF did not have transparent reporting about R&D outcomes or consistently identify best practices or ways that educators and others could learn from or implement research findings.[4] Furthermore, another review of Federal education R&D activities to improve STEM and computer science found that they have little evidence of success, often because such projects have not been effectively analyzed to identify and promote best practices.[5] Many of these programs simply have little to show for them-both because the R&D activities themselves are often ineffective, and because useful insights are often not implemented in the classroom.

There is widespread recognition within the Federal Government of the need to improve the transparency and accountability of STEM education initiatives, which are dispersed throughout the Federal Government. For example, the Committee on STEM Education (CoSTEM), established in 2011, has the mission to "coordinate Federal programs and activities in support of STEM education."[6] Last month, the Office of Science and Technology Policy (OSTP)'s progress report on the implementation of the Federal Government's STEM education strategic plan noted that "sharing performance outcomes enhances public trust, supports coordinated policymaking, and promotes efficient use of resources."[7]

To improve the return on investment on NSF's R&D efforts, the subcommittee should recommend that Congress commission the Government Accountability Office to audit these R&D programs to determine which are fulfilling their mission and which are wasting taxpayer funds. Congress should then eliminate any programs found to be ineffective. As the research cited above shows, some R&D initiatives are ineffective simply by virtue of not accomplishing anything valuable; however, other initiatives are likely to be ineffective by virtue of their duplication of efforts in other parts of the Federal Government. A priority of GAO's audit should therefore be the identification of redundant R&D efforts across agencies. NSF is one of 19 member agencies listed in CoSTEM's recent report; any collaboration with this many members, no matter how well coordinated, is likely to have significant inefficiencies and repetition.[8]

The subcommittee should also recommend that NSF address GAO's 14 open recommendations for NSF, which, while not narrowly tied to education R&D, offer important nonpartisan opportunities to improve governance, operations, and efficiency at NSF.[9]

Furthermore, to improve transparency, the subcommittee should include in its report accompanying the FY2025 funding bill language requiring NSF to publicly report on its website the outcomes of its education R&D projects, identify what has worked, and promote best practices for parents, teachers, schools, and other education stakeholders. This recommendation is in line with CoSTEM's objective to "Make Program Performance and Outcomes Publicly Available."[10] Education R&D is only of value if it is ultimately carried into the classroom and used to inform how children are taught. However, aside from a database of past grant awards and current grant funding available, there is limited information on NSF's website about the outcomes of most of its funded R&D projects. NSF could help inform Congress

---

[3] National Science Foundation, FY2025 Budget Request to Congress (2024), Summary Tables, https://nsf-gov-resources.nsf.gov/files/03__fy2025.pdf?VersionId=xz.6KFnzQXDWCa5zyQmZNwpxUw.f9i9m.

[4] Dan Lips, "The Case for Reforming and Strengthening Federal K–12 Education R&D," Lincoln Network (March 23, 2022), https://cdn.sanity.io/files/d8lrla4f/staging/fa0b87517c7c459842bf37afb3b33c225368c577.pdf.

[5] "STEM and Computer Science Education Reforming Federal K–12 Education R&D Activities to Strengthen American Competitiveness," Lincoln Network and Federation of American Scientists (April 4, 2023), https://cdn.sanity.io/files/d8lrla4f/production/264f2a62b29276528f24ec3787a0c16eed71fbdc.pdf.

[6] "NSTC Committee on Science, Technology, Engineering, and Math Education," Office of Science and Technology Policy, accessed May 1, 2024, https://obamawhitehouse.archives.gov/administration/eop/ostp/nstc/committees/costem.

[7] OSTP, 2023 Progress Report on the Implementation of the Federal Science, Technology, Engineering, and Mathematics (STEM) Education Strategic Plan (2024), p. 17, https://www.whitehouse.gov/wp-content/uploads/2024/04/2023-CoSTEM-Progress-Report.pdf.

[8] Ibid., iii.

[9] "Recommendations Database," GAO, accessed April 16, 2024, https://www.gao.gov/reports-testimonies/recommendations-database?processed=1&topic=all&agency=National%20Science%20Foundation&agency__id=78981&subs=1.

[10] OSTP, "2023 Progress Report," p. 17.

and the public by providing an annual review of past and future STEM research projects funded, identifying lessons learned and best practices or tools that education stakeholders may use. Additionally, the subcommittee should require the STEM Education and TIP Directorates to submit to Congress and publish on NSF's website an annual report detailing all of its funded R&D projects and identifying any lessons or best practices.

Improving transparency and reducing redundancy in education R&D programs are likely to be mutually reinforcing steps to improve these programs' return on investment. When it is clearer what programs are accomplishing, it will be easier to identify duplicated efforts; and with less overlap, it will be easier to track what each R&D program is doing individually. As OSTP's recent report notes, "Sharing investments can limit duplication and identify overlap." [11]

* * *

Although the longstanding challenges facing U.S. K–12 would already make it important to improve the Federal Government's STEM education R&D efforts, the alarming trends precipitated by the pandemic-including declining scores in the National Assessment of Educational Progress and record truancy rates-only make this task more vital. Improving the transparency of and accountability for Federal education R&D will be essential for helping the Nation's students. Thank you for the opportunity to testify.

PREPARED STATEMENT OF FOUNDATION FOR AMERICAN INNOVATION

Chair Shaheen, Ranking Member Moran, and Members of the subcommittee:

Thank you for the opportunity to testify. My name is Samuel Hammond, and I am Senior Economist at the Foundation for American Innovation, a nonprofit organization focused on promoting innovation, improving governance, and strengthening national security. I am writing to respectfully request that the subcommittee provide full funding to the Department of Commerce's Bureau of Industry and Security (BIS), which requested $223.4 million for FY2025 (an increase of $43.11 million), to fulfill its mission of "ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership." [1]

The authorities vested in the BIS are mission-critical to the United States' technological competition with the People's Republic of China.[2] Most notably, export controls were introduced on advanced AI chips and semiconductor equipment in 2022, denying Beijing access to technologies necessary to power innovations in artificial intelligence and supercomputing.[3] While the controls have already taken a toll, there are serious gaps in BIS's capacity to enforce semiconductor export controls at scale. Between chip smuggling and other evasion tactics, the BIS is in urgent need of additional resources to keep up with China's game of cat and mouse.[4]

According to a report from the House Foreign Affairs Committee, as of last year, the BIS had only one in-house Mandarin speaker (recently upgraded to two [5]), and at one point "only employed one member of staff who could maintain and operate the Federal Register system." [6] Given this severe lack of capacity, it is no wonder that a recent analysis of procurement records showed China's military and state-

---

[11] OSTP, "2023 Progress Report," p. 18.

[1] Bureau of Industry and Security, U.S. Department of Commerce, Fiscal Year 2025 President's Budget Request (2024), https://www.commerce.gov/sites/default/files/2024-03/BIS-FY2025-Congressional-Budget-Submission.pdf.

[2] Samuel Hammond, The Scramble for AI Computing Power, American Affairs Journal. (Summer, 2024) https://americanaffairsjournal.org/2024/05/the-scramble-for-ai-computing-power/.

[3] Bureau of Industry and Security, U.S. Department of Commerce, "Implementation of Additional Export Controls: Certain Advanced Computing and Semiconductor Manufacturing Items; Supercomputer and Semiconductor End Use; Entity List Modification," October 13, 2022, https://public-inspection.federalregister.gov/2022-21658.pdf.

[4] Sujai Shivakumar, Charles Wessner, and Thomas Howell, Balancing the Ledger: Export Controls on U.S. Chip Technology to China, Center for Strategic & International Studies. (February, 2024) https://www.csis.org/analysis/balancing-ledger-export-controls-us-chip-technology-china.

[5] Based on conversations with a former BIS official familiar with the matter.

[6] House Foreign Affairs Committee, Bureau of Industry & Security: 90–Day Review Report (December 7, 2023) https://foreignaffairs.house.gov/wp-content/uploads/2023/12/12.4.23%20BIS%20REPORT—FINALDRAFT.pdf.

run research institutes have acquired significant numbers of AI chips crucial for developing modern AI systems in spite of the controls.[7]

The BIS's export controls on AI chips are benchmarked to the performance density of state-of-the-art AI chips circa 2022–2023. As chip performance continues to improve, the number of chips produced above the current performance threshold will balloon. This means that the controls will bind increasingly over time, but also become substantially more challenging for the BIS to monitor and enforce. Indeed, production of Nvidia's H100 chip alone is forecasted to triple this year.[8] As the volume of chips under control continues to grow, any existing leaks in BIS enforcement could soon turn into a roaring torrent of illegal exports.

Funding constraints hurt all the more given the unusual range of skills BIS analysts need to do their job effectively. Crafting sensible controls on AI chips demands staff with deep technical knowledge of the semiconductor supply chain, while enforcing the controls requires analysts with expertise in China's economy and evasion tactics. Yet what the BIS needs more than anything is better technology. As it stands, BIS agents enforce export controls with what amounts to Google searches and giant spreadsheets. By fulfilling this appropriations request, BIS will have the resources it needs to modernize its data management systems, paving the way for its enforcement capacity to be supercharged with the aid of machine learning and proprietary data sources to process license requests and spot supply chain anomalies automatically.

Given the importance of BIS's mission in the United States's national security and economic strategies, fully funding the BIS request is prudent, particularly given Congress and the Biden administration's recent focus on improving American competitiveness. The CHIPS and Science Act of 2022 provided the Commerce Department with more than $50 billion for the CHIPS for America Fund to promote the American semiconductor sector.[9] Fully funding the administration's budget request for BIS, which reflects less than one percent of the new fund's expenditures, is reasonable given the Bureau's mandate to protect American technological leadership. The subcommittee should also include report language requiring Commerce and BIS to report to Congress about its current capacity to enforce export control laws and to monitor and deter violations, including policy options for closing any identified gaps.

The subcommittee could reallocate funding from other activities within the Commerce Department that are less critical to national security to offset the proposed funding increase for BIS. Moreover, the Committee and Congress could conduct additional oversight to require the Commerce Department to implement currently open watchdog recommendations from the Government Accountability Office and the Inspector General, which should result in cost savings that could be used to increase funding for BIS.[10]

In addition, the subcommittee should require the Department of Commerce and BIS to report to Congress on its current capability to deter export control violations, smuggling, or third-party transactions of advanced chips and other technologies and present potential options for closing any identified gaps. The administration's national security strategy of denying the People's Republic of China technology critical to advancing artificial intelligence and supercomputing will not be achieved if U.S. export laws are evaded or third parties smuggle or sell certain chips to China. Research and historical experience show that the outcome of policies to increase or deny market access to foreign firms is highly sensitive to the implementation procedures used. This will be especially true of semiconductors, as China has already begun efforts to skirt export controls through sophisticated third-party and subsidiary arrangements.[11] A Commerce Department assessment should provide rec-

---

[7] Eduardo Baptista, "China's military and government acquire Nvidia chips despite US ban," Reuters, January 15, 2024. https://www.reuters.com/technology/chinas-military-government-acquire-nvidia-chips-despite-us-ban-2024-01-14/.

[8] Anton Shilov, "Nvidia to Reportedly Triple Output of Compute GPUs in 2024: Up to 2 Million H100s," Tom's Hardware, August 24, 2023. https://www.tomshardware.com/news/nvidia-to-reportedly-triple-output-of-compute-gpus-in-2024-up-to-2-million-h100s.

[9] U.S. Department of Commerce, A Strategy for the CHIPS for America Fund (2022), https://www.nist.gov/system/files/documents/2022/09/13/CHIPS-for-America-Strategy%20%28Sept%206%2C%202022%29.pdf.

[10] For example, as of April 7, 2023, the Government Accountability Office listed 72 open recommendations for the Department of Commerce, including nine priority recommendations. "Open Recommendations," Government Accountability Office, accessed April 7, 2023, https://www.gao.gov/reports-testimonies/recommendations-database.

[11] Eleanor Olcott, Qianer Liu, and Demetri Sevastopulo, "Chinese AI Groups Use Cloud Services to Evade U.S. Chip Export Controls," Financial Times, March 8, 2023, https://www.ft.com/content/9706c917-6440-4fa9-b588-b18fbc1503b9.

ommendations for improving its ability to enforce export control laws under conditions of adversarial evasion tactics. This should include evaluating the extent of China's access to controlled chips via cloud services (the "remote-access" loophole),[12] and an assessment of the potential for on-chip mechanisms to bolster end-user controls.[13]

Export licenses were a key tool for containing Soviet access to U.S. military technology during the Cold War, but ebbed in relevance following the end of the Cold War. The pendulum has now begun to swing back in light of China's state-backed effort to dominate critical emerging technology categories, as demonstrated by the BIS's annual requests for export licenses doubling to 40,000 over the last 10 years.[14] Unfortunately, funding for the agency has failed to keep pace with this new reality, to the detriment of U.S. export industries and national security alike.

In conclusion, the Bureau of Industry and Security has a critical mission for U.S. national and economic security. Fully funding BIS to fulfill its mission should be a priority within the Commerce Department's budget. Moreover, additional reporting by Commerce and GAO about BIS's current capacity to fulfill its mission and recommendations for potential policy changes to deter export control violations would help Congress and the administration determine if additional resources and authorities are needed.

Yours sincerely,

Samuel Hammond, Senior Economist

PREPARED STATEMENT OF HUMANE SOCIETY LEGISLATIVE FUND AND THE HUMANE SOCIETY OF THE UNITED STATES

Chair Shaheen, Ranking Member Moran, and Members of the subcommittee, thank you for this opportunity to offer testimony on matters of importance to our organizations and to our millions of supporters. We thank you for the support and investment in animal protection in the subcommittee's Fiscal Year 2024 appropriations bill. We appreciate your continued consideration for the following requests in the Fiscal Year 2025 Departments of Commerce, Justice, Science, and Related Agencies budget:

—NOAA Shark Fin Sales Elimination Act: report language
—DOJ Animal Welfare Act enforcement: report language
—DOJ Environmental and Natural Resources Division: $1.6 million for ENRD's AWA enforcement per Fiscal Year 2024 President's Budget request

DEPARTMENT OF COMMERCE—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—SHARK FIN SALES ELIMINATION ACT IMPLEMENTATION

The Shark Fin Sales Elimination Act (SFSEA) was signed into law in December 2022. It prohibits the commercial trade of shark fins or products containing shark fins, thereby removing the United States from the international shark fin market. The policy builds on the Shark Finning Prohibition Act of 2000 (Public Law 106–557) and the Shark Conservation Act of 2010 (Public Law 111–348), which ban shark finning and the possession at sea of shark fins not "naturally attached" to the carcass.

Shark fins are often obtained through shark finning, a brutal act in which sharks' fins are sliced off and the mutilated animals are tossed back into the ocean, leaving them to die. As apex predators, sharks play a key role in maintaining balance in marine ecosystems, contributing to the wellbeing of coral reefs, seagrass beds, commercial fisheries, and more. The United States has not only served as an end market, but also a transit hub for shark fins obtained in countries with weak policies or on the high seas where no nation's laws apply.

Despite the act becoming law, NOAA has yet to finalize a proposed rule regarding implementation of the Shark Fin Sales Elimination Act. It is past time that the Department of Commerce honor Congress's will and act expeditiously to implement the

---

[12] Eleanor Olcott, Qianer Liu, and Demetri Sevastopulo, "Chinese AI Groups Use Cloud Services to Evade U.S. Chip Export Controls," Financial Times, March 8, 2023, https://www.ft.com/content/9706c917-6440-4fa9-b588-b18fbc1503b9.

[13] Onni Aarne, Tim Fist and Caleb Withers, Secure, Governable Chips, Center for a New American Security (January, 2024) https://www.cnas.org/publications/reports/secure-governable-chips.

[14] Samuel Hammond and Erich Grunewald, "Spreadsheets vs. Smugglers: Modernizing the BIS for an Era of Tech Rivalry," Foundation for American Innovation, April 29, 2024. https://www.thefai.org/posts/spreadsheets-vs-smugglers-modernizing-the-bis-for-an-era-of-tech-rivalry.

SFSEA in a timely manner that allows for the full implementation of this bipartisan law.

That is why we urge the inclusion of the following report language:

The Shark Fin Sales Elimination Act became law on December 23, 2022, as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263). The Committee directs NOAA to expeditiously issue its plans and regulations for implementing this important law. NOAA is further directed to provide a report to the Committee no later than 90 days after enactment of this act describing any resource needs required to fully address this issue, coordination with other Federal agencies, State and local law enforcement and key stakeholders, and plans to raise public awareness on how to report violations.

DEPARTMENT OF JUSTICE—ANIMAL WELFARE ACT ENFORCEMENT

The Animal Welfare Act (AWA) requires research facilities and animal exhibitors, breeders, and dealers to meet basic standards of animal care. The law is crucial to protecting over one million animals from inhumane treatment, yet many facilities get away with egregious abuse. Without strong enforcement, facilities such as puppy mills and roadside zoos have no meaningful deterrent to violating the law.

The entire U.S. Department of Agriculture (USDA), which enforces the AWA, has only three Administrative Law Judges. This severely limits how many enforcement actions go through the system. However, foreseeing that USDA would need help, Congress included a provision in the AWA that allows the Department of Justice (DOJ) to bring cases in Federal court. Over the last few years, DOJ has brought several cases against exhibitors and dealers with serious animal care violations under the AWA.

On March 9, 2024, following congressional appropriations requests in both FY 2023 and FY 2024, the USDA and DOJ announced a Memorandum of Understanding (MOU) to help better prepare for and coordinate potential civil enforcement actions relating to AWA violations provided through Animal and Plant Health Service (APHIS) reports. This MOU will ensure USDA provides DOJ with information about the most severe animal welfare violators promptly. We therefore urge the inclusion of the report language below, which encourages DOJ to continue strengthening its enforcement of the AWA to protect animals.

In May of 2022, DOJ filed a lawsuit detailing shocking AWA violations at a breeding facility owned by a company called Envigo. Government inspectors found beagles being killed instead of receiving veterinary treatment for easily treatable conditions; nursing mother beagles denied food; the food that they did receive contained maggots, mold and feces; and over an eight-week period, 25 beagle puppies died from cold exposure. Other dogs suffered from injuries when they were attacked by other dogs in overcrowded conditions. DOJ sought action through an injunction against Envigo and a Federal court enjoined Envigo from conducting activity at the Cumberland facility. Envigo entered into a settlement agreement leading to the transfer of roughly 4,000 beagles to animal adoption organizations.

Additionally, in July 2023, the DOJ brought a case against Zachary Keeler, doing business as Even Keel Exotics, alleging AWA violations of and the Endangered Species Act (ESA), seeking preliminary and permanent injunctive relief. Keeler had various violations, including failing to provide access to USDA inspectors and maintain complete and accurate records; failing to provide potable water, veterinary care, safe and sanitary conditions, and to meet minimum standards for handling animals; and placing the health of certain animals in serious danger. Keeler also allegedly violated the ESA by unlawfully separating a lemur prematurely from its mother and forcing the baby to interact with the public, continuing to possess the unlawfully taken ring-tailed lemurs, and attempting to sell a taken lemur. In August 2023, consent decrees were issued in the case brought by DOJ and in the USDA administrative case with Keeler agreeing to surrender the animals in his possession to USDA and permanent revocation of his AWA license, respectively. Without the consent decree, DOJ may have only been able to seize the endangered ring-tailed lemurs covered by the ESA instead of all of animals in Keeler's possession.

Even if the department only brings a handful of animal cases annually, it sends an important signal to the regulated community. As such, we urge the inclusion of this report language:

The Committee supports the Department's and the U.S. Department of Agriculture's (USDA) Memorandum of Understanding and joint commitment to enforcing the Animal Welfare Act (AWA). The Department is directed to continue coordinating and collaborating with USDA on AWA enforcement cases

to ensure the Department receives necessary information regarding AWA violators, who have multiple citations that seriously or adversely affect the health or well-being of an animal, in a timely manner.

The Department shall report to the Committee within 90 days of enactment of this act on its AWA enforcement actions.

DEPARTMENT OF JUSTICE- ENVIRONMENTAL AND NATURAL RESOURCES DIVISION

The Department of Justice's Environment and Natural Resources Division enforces the Federal Government's civil and criminal environmental laws and defends against challenges to government environmental action. It has demonstrated serious commitment to animal welfare and wildlife protection cases since its establishment, particularly in relation to the AWA's animal fighting prohibitions.

We strongly support the FY 2025 President's Budget request for the Environment and Natural Resources Division with a particular interest in fully funding the Environmental Crimes Section and Wildlife and Marine Resources Section. This funding level will help address the growing AWA and Endangered Species Act caseloads.

[This statement was submitted by Tiffany Mendoza-Farfan, Senior Legislative Specialist.]

PREPARED STATEMENT OF INSIGHTS ASSOCIATION

On behalf of the Insights Association (IA), the leading nonprofit trade association for the market research and data analytics industry, I am respectfully submitting testimony on the U.S. Census Bureau's "Census Household Panel" program and the bill language and committee report language we are seeking. The program is funded through the Bureau's Current Surveys and Programs account, under Current Demographic Statistics.

The subcommittee may recognize the Census Household Panel as an insourced version of the Ask U.S. Panel, a controversial project on which Congressional appropriators required a report in the Fiscal Year (FY) 2023 omnibus funding law.[1] The same language was included in the report for the FY24 omnibus funding law, but not updated with the new name for the Bureau's project.

The project's contract, justification and management were also criticized by the Commerce Department's Inspector General (IG) on February 27, 2023,[2] in which the Bureau revealed it had failed to produce a working online panel and would insource the project, renaming it as the Census Household Panel.

The Bureau requested $1.713 million for the project in FY24.[3] Sources have suggested the Census Bureau seeks $1.6 million for the panel project in FY25, and the

---

[1] "Ask U.S. Panel Survey.-The Census Bureau is directed to provide a report to the Committees, no later than 90 days following enactment of this act, on the Ask U.S. Panel Survey's methodology, data collection processes, implementation, incurred and projected costs, procurement strategy, and plans to address any recommendations made by the Inspector General." (p. 8) https://www.appropriations.senate.gov/imo/media/doc/Division%20B%20-%20CJS%20Statement%20FY23.pdf.

[2] "The Census Bureau Can Improve Processes to Promote Transparency of Cooperative Agreements." OIG–23–011–I. https://www.oig.doc.gov/OIGPublications/(REDACTED)%20OIG-23-011-I%20(REDACTED).pdf.

[3] "Census Household Panel ($1,713, 10 FTE/14 Positions) The Census Bureau will enhance staffing to design, build, and maintain an online panel to support the timely and efficient collection of high-quality data for production and research purposes. This will be a probability-based nationally representative survey panel that leverages the Master Address File and population data from the American Community Survey, Current Population Survey, and other survey and non-survey data sources. The Panel will be a resource for supporting research and development work by speeding up and increasing the quality of methodological research associated with surveys. The benefits of a predominantly online longitudinal panel survey compared to a traditional survey is that a panel may provide faster turnaround and lower cost. The panel will be longitudinal, meaning that the same individuals will be surveyed over an extended time frame. A longitudinal panel allows for the examination of changes in household characteristics and analysis of how events impact households differently over time. The panel will consist of a pool of prerecruited individuals, including historically undercounted populations, and will meet standards for transparent quality reporting of the Federal Statistical Agencies and the Office of Management and Budget. The panel will improve existing data collection and sources with a focus on gaps in coverage, ensuring that survey content is relevant and accessible to all respondents and yields representative outcomes. In this context, the Census Bureau considers the panel an essential tool for advancing data equity. The Census Bureau also intends for the panel to be used to conduct methodological research on privacy and confidentiality concerns across time, to test alternative contact timing and sequence, improve online questionnaires and procedures, reduce

Continued

FY25 budget justification said that, "The Budget also includes an initiative to design, build, and maintain an online panel to support collection of data for production and research purposes."[4]

ABOUT THE INSIGHTS ASSOCIATION

IA defends and promotes the indisputable role of insights in driving positive impacts on society and consumers. Our more than 8,000 company and individual members are the world's leading producers of intelligence, analytics and insights defining the needs, attitudes and behaviors of consumers, organizations and their 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.

IA'S CONCERNS ABOUT THE CENSUS HOUSEHOLD PANEL

IA's concerns in FY25, like those in prior fiscal years, include:

1. Federal agencies can (and already do) purchase such services from the private sector

Hundreds of insights companies and organization provide research panel services. Further, insights providers such as Dynata, Gallup, Ipsos, NORC at the University of Chicago, SSRS, the University of Southern California, and others maintain probability-based research panels (a specialized kind of panel which was the original goal of the Ask U.S. Panel project). If the Bureau's plan no longer requires the panel to be probability-based, the number of for-profit and non-profit providers in the open market is likely in the hundreds. Whether probability-based or not, insights providers offer these services commercially on the open market; absent justification to Congress of the uniqueness of their needs, the Census Bureau should acquire panel research services with full and open competitions. Private sector options would potentially cost a mere fraction of the Bureau's insourced program.

2. The Panel is a potentially unnecessary financial burden on Federal taxpayers

It is hard to assess the veracity of the Census Bureau's fiscal plan for the Census Household Panel because so little detail has been revealed, even after multiple years. Besides just the cost and expertise involved in establishing this presumably duplicative service, the Census Bureau appears to not have considered the immense expertise in data quality, incentive management and delivery, fraud detection, attrition mitigation and management, and privacy and permissions management required to successfully maintain a high-quality research panel.

Since 1955, Federal agencies have been charged with avoiding "activities conducted by the Government that provide services or products for its own use which could be procured from private enterprise through ordinary business channels".[5] The policy required the head of an agency to make any exception to such restrictions "only where it is clearly demonstrated . . . that it is not in the public interest to procure such product or service from private enterprise." This policy was reiterated by every Administration following, including in OMB Circular A–76[6] and other policies specifically requiring competitive sourcing. According to the IG report, the Bureau provided no documentation of any such sourcing analysis.

3. The Census Bureau should prioritize its core Constitutional mission

The Bureau is responsible for many surveys, but none are more important than the decennial headcount and the ongoing American Community Survey (ACS), which are responsibilities authorized by the U.S. Constitution. As we ramp up to the 2030 Census and the ACS cries out for further investment to maintain its accuracy,[7] the Bureau should focus its energy and resources on responsibilities authorized in law and in its mission-critical functions.

---

respondent burden, and ultimately increase the quality of data collected in censuses and surveys of the public." (Pages 66–67) https://www.commerce.gov/sites/default/files/2023-03/Census-FY2024-Congressional-Budget-Submission.pdf.

[4] FY25 Department of Commerce Budget Justification. Page 25. https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP-1-6.pdf.

[5] Bureau of the Budget Bulletin 55–4. January 15, 1955. https://www.governmentcompetition.org/wp-content/uploads/2018/11/Bureauof__the__Budget__Bulletin__55-4__January__15__1955.pdf.

[6] https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a076.pdf.

[7] "America's Essential Economic and Social Data at Risk." The Census Project. May 2023. https://thecensusproject.org/wp-content/uploads/2023/05/census-acs-report-2023-v4.pdf.

In response to these concerns, IA recommends bill language and report language in FY25.

IA recommended FY25 CJS bill language.—"No funds in this bill may be spent in support or development of the Census Household Panel, or any similar effort to develop a survey, opinion or market research service that could be competitively sourced from the private sector."

IA recommended FY25 CJS report language.—"Census Household Panel. The Committee is concerned about the lack of transparency related to the Census Bureau's Census Household Panel program, particularly given the lack of congressional authorization, the expanding scope, and the Commerce Department IG's February 2023 findings (OIG–23–011–1). The Committee is also concerned about the use of taxpayer dollars for the development of a panel survey given the wide range of options that currently exist in the private sector for these types of activities. The Committee directs the Census Bureau to provide a report to the Committee within 60 days about the panel's methodology, data collection processes, implementation, incurred and projected costs, interagency agreements with other Federal entities, and procurement strategy to allow the Committee to evaluate the panel's use of Federal resources."

CONCLUSION

The bill language would require a thorough competitive sourcing analysis before the Bureau develops new services, while the report language will provide an opportunity for the subcommittee to ensure the Census Bureau and its projects remain transparent and used for their intended purposes.

The Insights Association dedicates much of our daily advocacy to supporting the decennial census and the American Community Survey (ACS), the two essential Federal data sources underpinning statistical sampling/representativeness in almost all U.S. research studies, so we applaud the Census Bureau's ongoing service as the leading source of the highest quality and most representative data for America's people and economy. However, that does not mean that the Census Bureau is the only provider of information in the U.S.

We simply ask that the Bureau focus on its core authorized functions and do them well.

IA remains worried that the Census Bureau still intends to use taxpayer dollars, possibly from multiple agencies and funding sources, to develop a service that already exists in the private market. The Bureau's attempt to fund a private entity to learn how to build a probability-based online research panel (the Ask U.S. Panel) failed, as we predicted it would, since it is a specialized area of expertise.

Rather than wasting even more scarce Federal resources (millions of dollars) by trying to insource the failed panel and attempting to build the Census Household Panel program in-house from scratch, the Census Bureau should save a ton of time and money by simply purchasing the service from one of the many existing insights providers (thousands of dollars).

Thank you for allowing IA to testify on the Census Household Panel program, an important under-the-radar issue in the FY25 CJS Appropriations legislation.

[This statement was submitted by Howard Fienberg, Senior VP Advocacy.]

PREPARED STATEMENT OF IOOS ASSOCIATION

Chairwoman Shaheen, Ranking Member Moran, and Members of the subcommittee,

This testimony supports fiscal year 2025 appropriations to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service to ensure sustained ocean and Great Lakes observation to improve the resilience and economic prosperity of the Nation's coastal communities. It is submitted on behalf of the IOOS Association, a nonprofit organization representing the 11 federally certified Regional Associations (RAs) of the Integrated Ocean Observing System (IOOS) located around our coasts and Great Lakes, including U.S. territories in the Caribbean and Pacific. IOOS is the Nation's premier coastal and Great Lakes observing program. The RAs are tasked with filling critical gaps in the Federal system as required to provide information that helps protect lives, economies, and our environment.

We are deeply concerned by the Fiscal Year 2025 President's Budget, which reduces funding to the IOOS regions by more than 76%. If enacted, the proposed $10 million in funding would completely shut down the regional observing networks, cutting off critical data that impact local, national, and global economies including search and rescue, shipping, fishing, coastal resilience, coastal tourism, and more.

Forty percent of the United States population lives in coastal counties, and the population in coastal areas continues to increase. These coastal and Great Lakes communities are experiencing dramatic changes from coastal flooding, sea level rise, increasing coastal storm frequency and intensity, erosion, hypoxia, harmful algal blooms, ocean acidification, biodiversity changes, and more. These impacts threaten human lives and critical coastal infrastructure, homes and livelihoods, water and food supplies, and weaken the ability of marine ecosystems to provide essential ecological services and natural infrastructure for resilience. Coastal communities and businesses that rely on marine resources and maritime safety need information and forecasts about the ocean environment to make decisions that protect lives and ensure safety, security, and economic prosperity.

IOOS is the Nation's leading resource for community-driven coastal, ocean, and Great Lakes information. This vital program supports a vast network of buoys, gliders, high frequency radars, and other sensors that monitor U.S. waters. IOOS provides critical, publicly accessible data and data products that enable coastal and Great Lakes communities to protect their people, economies, and ecosystems. This efficient, reliable, and cost-effective system supports emergency preparedness, underpins a thriving blue economy, and bridges the gap between scientific research, federally certified data, and timely informed management.

Our priority is to provide robust funding for IOOS and its national network of 11 IOOS RAs to further understanding of our dynamic and resource-rich coastal areas, and to prepare communities for risks associated with floods, extreme weather events, harmful algal blooms, hypoxia, and other hazards. We respectfully request that the Committee provide $56 million for the IOOS Regional Observations line under NOAA's National Ocean Service in the fiscal year 2025 appropriations legislation.

Sustained, reliable, and accessible data are the foundation for understanding and making decisions about our coastal oceans and Great Lakes. The 11 IOOS RAs underpin coastal economies by generating and delivering information tailored to the needs of local forecasters, shippers, fishermen, emergency and resource managers, public health officials, aquaculture farmers, coastal communities, and recreationalists, while simultaneously providing data to improve Federal models, forecasts, and other tools. The RAs deploy, operate, and maintain more than 1,000 observing assets (buoys, water level gauges, estuary and coastal stations, web cameras, underwater gliders, and high frequency radars) in partnership with local universities and marine technology industries, and integrate and serve data from Federal and non-federal sources through federally certified regional data centers.

IOOS is a single system that supports many needs, making it a cost-effective investment for American taxpayers. In fact, a recent study by the Center for the Blue Economy [1] concluded that the value of the IOOS regional observing system, just to initial users (i.e., an underestimate of the broader value), lies between $192 million and $233 million per year, creating an economic value approximately five times greater than the current annual investment in the system. Further, IOOS data and information products and services support decision-making and innovation for the more than $360 billion (GDP) ocean-based economy.

The IOOS program was reauthorized unanimously by Congress in 2020 in a bill that was signed into law by former-President Trump. This appropriations request is at the program's authorized funding level as outlined in that law. The $56 million request for the Regional IOOS program includes $50 million for core support for the sustained operation and maintenance of the system at the regional level. Like any business, the IOOS RAs are feeling the impact of inflation on their ability to provide the services that their users and stakeholders have come to expect. We are thankful for the maintained funding enacted in fiscal year 2024 ($42.5 million), but it does not keep up with inflation and the costs associated with the many services provided and enabled through the IOOS RAs. Increased support for IOOS to authorized levels will continue and enhance service delivery to users across the regional network and the 17 Federal agencies whose missions IOOS supports. This funding will provide the sustained operational backbone for the regional systems to support safe and efficient maritime transportation and commerce, U.S. Coast Guard search and rescue operations, offshore energy development and operations, resource management and protection, environmental prediction (e.g., marine heat waves), improved understanding and notification of hazards (e.g., hurricanes, flooding), and more.

Additionally, $6 million of the total IOOS regional request will support competitive grants for innovations and partnerships, including sensor development, autono-

[1] Colgan, Charles S. and Castelletto, Anthony 2021. The Economic Value of Ocean Observing Systems in the United States: A Prototype User Valuation. Monterey, CA: Center for the Blue Economy, Middlebury Institute of International Studies at Monterey.

mous sampling, and coastal modeling, as well as other priority initiatives, such as building capacity for detection and forecasting of harmful algal blooms, through projects that Congress has supported since fiscal year 2020, toward an operational National Harmful Algal Bloom Observing Network.

If the Fiscal Year 2025 President's Budget request is enacted, taxpayer dollars, through appropriations to build and sustain this critical and cost effective network, as well as through investments made to IOOS through the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA), would be wasted as the core functions of IOOS, essential for the proper management of both initiatives, would essentially go away overnight. The IOOS RAs have proposed activities to recapitalize their systems (funding from the BIL) and increase the reach and utility of IOOS data for more user groups and to meet the growing needs of frontline coastal communities (funding from the IRA). The benefits these enhancements will bring are only possible because of the existing infrastructure. Further, these activities are based on the specific requirements from NOAA and the intent of the laws; these funds do not support the basic ongoing maintenance of the observing systems supported by the program.

We are grateful for the Committee's support of IOOS in the fiscal year 2025 appropriations bill, and again emphasize the importance of maintaining funding to a network that provides crucial information about our coasts and waterways to millions of Americans. Continued investment in the Nation's sustained observations is key to protecting our coastal communities and unlocking the economic potential of our oceans, coasts, and Great Lakes. The annual appropriations to the Regional IOOS program are the funds that sustain the infrastructure, data collection, and data product delivery on which our uses have come to depend. A well-funded IOOS furthers understanding of our dynamic and resource-rich coastal areas and prepares communities for risks associated with environmental impacts, such as damage from floods, extreme weather events, harmful algal blooms and hypoxia, and oil spills and other hazards.

Twenty years ago in its landmark report, the U.S. Commission on Ocean Policy, chaired by Admiral James D. Watkins, USN (ret), called for the establishment of a US Integrated Ocean Observing System. The report stated, "the United States simply cannot provide the economic, environmental, and security benefits . . . , achieve new levels of understanding and predictive capability, or generate the information needed by a wide range of users, without implementing the IOOS." Many Regional Associations saw their beginnings in those early years. In 2009, Congress showed strong bipartisan support, establishing IOOS in law, paving the way for the realization of the IOOS vision. This body has supported the strengthening of U.S. IOOS through successive Congresses, including reauthorizing IOOS in 2020, to serve the economic, health, and security needs of our Nation. Therefore, we respectfully request that the Committee provide $56 million to the Regional IOOS program under NOAA's National Ocean Service.

Thank you for the opportunity to provide this statement.

[This statement was submitted by Dr. Gerhard F. Kuska, Chair.]

PREPARED STATEMENT OF JAMESTOWN S'KLALLAM TRIBE

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 2025 Department of Justice and Department of Commerce Budgets.

Tribal Priorities for the Department of Justice

1. Fully Fund the Tribal Law and Order Act
2. Fully Fund Violence Against Women Act (VAWA)
3. Increase Funding for the Tribal Set-Aside for Victims of Crime Act Funding

Tribal Specific Requests—The Department of Commerce

1. $70.0 million for the Pacific Coastal Salmon Recovery Fund (NOAA/NMFS)
2. $43.5 million for the Pacific Salmon Treaty Salmon Agreement (NOAA/NMFS)
3. $33.5 million for the Mitchell Act Hatchery Program (NOAA/NMFS)

JUSTIFICATION—TRIBAL PRIORITIES FOR THE DEPARTMENT OF JUSTICE

Fully Fund the Tribal Law and Order Act (TLOA)

The Tribal Law and Order Act was a crucial 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 conduct law enforcement, court, and detention functions, and to provide rehabilitation and preventive services. Increased and targeted funding in these areas will have a positive impact on the health and well-being of our Tribal citizens, Tribal communities and surrounding non-Native communities.

Fully Fund Violence Against Women Act (VAWA)

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.

Equally disturbing is the fact that the Justice Department has found that when non-Native cases of domestic violence go uninvestigated and unpunished, offenders' violence escalates. As a result, on some reservations, Native women are murdered at a rate that is 10 times the National average. In 2016, $2.5 million was appropriated for Tribes to implement the new VAWA provisions. While Federal funding for VAWA 2013 has enhanced collaborative responses to domestic violence related crimes and the provision of services to victims, additional resources to exercise this new jurisdictional authority are critical.

Increase the Tribal Set-Aside for Victims of Crime Act Funding

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. Congress created a Tribal set aside under the Crime Victims Fund which has proven effective in increasing resources for Tribal communities to address crime in Indian country. Given the rate of crime in Indian country we urge Congress to increase the Tribal set aside for the Victims of Crime Act.

JUSTIFICATION—TRIBAL PRIORITY REQUESTS FOR THE DEPARTMENT OF COMMERCE

Provide $70.0 million for the Pacific Coastal Salmon Recovery Fund (NOAA/NMFS)

Request $70.0 million for PCSRF, which is an increase of $5.0 million over the FY24 enacted level of $65.0 million. 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 appropriations were maintained upwards of $80.0 million through FY11. The PCSRF was established to reverse the decline of salmon and steelhead in the Pacific Northwest. Jamestown uses the funds to restore wild salmon populations and to protect and restore important habitat in the Puget Sound coastal plains. These funds also support our policy development and help to build the technical capacity of our Natural Resources' staff charged with planning, implementation, and monitoring recovery activities.

Provide $43.5 million for the Pacific Salmon Treaty including the additional $6 million for the 2008 Chinook Salmon Agreement (NOAA/NMFS)

The Pacific Salmon Treaty provides the framework for international collaboration and cooperation to conserve and manage Pacific Salmon. The Pacific Salmon Commission (PSC) works together to establish fishery regimes, develop management recommendations, assess each country's performance and compliance with the Treaty, and is the forum for all entities to work towards reaching an agreement on mutual fisheries issues.

Provide $33.5 million for the Mitchell Act Hatchery Program (NOAA/NMFS)

Jamestown hatchery operations have elevated our success and generated a substantial return on our investment in our aquaculture business. The Tribe operates three hatcheries, two in Washington state and one in Hawaii that produce shellfish and sablefish seeds. The seedlings help to replenish fish and shellfish stocks that have been depleted due to loss of ecosystems and natural habitats. Tribes depend on hatcheries to support Treaty fishing rights, protect our culture and traditional ways of life, and to bolster our commercial fishery operations at home and trade abroad.

NATIONAL TRIBAL APPROPRIATION PRIORITIES FOR THE DEPARTMENT OF JUSTICE

1. Provide Direct Recurring Base Budgets for Public Safety and Justice
2. Allow all Public Safety and Justice Funding from Across the Federal Government to be Distributed through Self-Governance Compacts
3. Increase and make mandatory funding for all aspects of public safety and justice programs and services from all Agencies with public safety and justice responsibilities
4. DOJ Transparency Regarding Available Programs and the Effectiveness of CTAS

1. Provide Formula Driven Direct Recurring Base Budgets for Public Safety and Justice

There has been a growing trend across Federal agencies to fund Tribal programs and services with grant dollars rather than providing formula driven direct recurring base budgets for public safety and justice. Grant funding is incongruent with the government-to-government relationship, Self-Governance, and the trust and treaty obligations. Tribal governments experience challenges accessing Federal grants for numerous reasons. Grant funding requires extensive administrative and reporting requirements, makes Tribes compete with each other and other entities for limited dollars, and prevents under-resourced Tribes from being able to access these opportunities. Although agencies have taken steps to reduce some of the administrative burdens, there is no way even the best resourced Tribes can take advantage of every opportunity because the sheer number of grants across the Federal system is a structural barrier. Public Safety and Justice across Indian Country is at a crisis level due to inadequate funding and diminished Tribal jurisdictional authority. The Federal Government should not be creating additional barriers for Tribes to access these funds that they so desperately need.

2. Allow all Public Safety and Justice Funding from Across the Federal Government to be Distributed through Self-Governance Compacts

When Congress passed the Indian Self-Determination and Education Assistance Act (ISDEAA) in 1975, it ushered in a new era of Self-Determination for Tribal governments that has improved the lives of American Indians and Alaska Natives. The recent pandemic has demonstrated the need for more coordinated funding, better communication and coordination between all Federal departments and agencies, and more equitable funding for all Tribes. Under Self-Governance, public safety and justice programs and services would be better designed and operated with better results, safer communities, and better social outcomes for Tribal citizens, their families, and communities. Tribal public safety and justice programs would benefit from reduced administrative costs and the elimination of onerous and duplicative reporting requirements. Tribally-driven programs that allow for greater flexibility in the use of funds to support local needs are an essential aspect of being able to keep our Tribal citizens and communities safe.

3. Increase and make mandatory funding for all aspects of public safety and justice programs and services from all Agencies with public safety and justice responsibilities.

The Federal obligation to provide mandatory funding to Tribes in perpetuity for public safety and justice is solidified in numerous treaties, statutes, and court decisions yet the Federal Government continues to appropriate funding for Tribes through discretionary appropriations. There needs to be a shift in the paradigm surrounding the way Tribes are currently funded.

Tribes are Sovereign Nations with a special political status and relationship with the U.S. government. The provision of mandatory funding for Tribal public safety and justice strengthens the Nation-to-Nation relationship, respects Tribal sovereignty and upholds the Federal trust and treaty obligations. Funding for public safety and justice must be substantially increased and made mandatory.

4. DOJ Transparency Regarding Available Programs and Effectiveness of CTAS

In FY2010, DOJ launched the Coordinated Tribal Assistance Solicitation (CTAS). The CTAS program was intended to streamline the application process encompassing available Tribal government grant programs. While CTAS grants can be used for a variety of justice programs and services in nine different areas, the application process is highly competitive, tedious, and complex and there are many restrictions imposed on how the funds may be utilized. It has taken numerous Tribal staff members several weeks to fill out and apply for the CTAS program with no guarantee that funding will be awarded. The CTAS is currently structured with the Federal Government determining categorical priorities for Tribes instead of a Trib-

ally-driven process whereby Tribes determine their public safety and justice priorities and needs. There is also a lack of transparency, coordination, and communication with respect to the programs and services that are available for Tribes to access through CTAS, or other programs Tribes are eligible to apply for at DOJ. In compliance with E.O. 14112, the DOJ needs to provide an accurate accounting of all of the programs, services and funding that is available for Tribes; how the funds are being distributed; the percentage of the dollars that have been received by the Tribes; steps DOJ has taken to coordinate with other agencies and Tribal governments to implement Tribal priorities and practices that bolster Tribal justice systems and an analysis on the effectiveness and deficiencies of CTAS.

National Requests and Recommendations.—The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the Affiliated Tribes of Northwest Indians, Northwest Indians Fisheries Commission, Pacific Salmon Commission, and the National Congress of American Indians.

I would like to extend my thanks to the subcommittee for an opportunity to submit testimony on the FY2025 Appropriations.

[This statement was submitted by W. Ron Allen, Tribal Chairman/CEO.]

PREPARED STATEMENT OF KENTUCKY RESOURCES COUNCIL

Thank you for the opportunity to present testimony before your subcommittee. This statement is regarding the Bureau of Prison's (BOP) planned construction of Letcher County, KY facilities and its related unobligated $504 million funds in the BOP's Building and Facilities account, which I respectfully request the subcommittee rescinds. Please find below my statement in my capacity as Executive Director of Kentucky Resources Council, Inc. (KRC). KRC is a Statewide public-interest environmental law and advocacy organization. We work to protect Kentucky's natural resources, promote policies for healthy communities, and assure that those who pollute our land, air, or water are held to account. Our members and constituents live and work in areas potentially impacted by this project and its impacts.

FCI Letcher would pose a serious disturbance and destruction to numerous habitats and nearby wetlands, threaten to overwhelm wastewater treatment, threaten endangered species, would create considerable light pollution, and would sit just over a mile from one of the few remaining old growth forests in the state. This new prison could subject surrounding communities to the prison's wastewater discharges and likely expose prisoners to contaminated water. It would destroy habitat for wildlife, including habitat for federally endangered bat species and dozens of state protected species—impacts which were not adequately considered.

FCI Letcher will be built on a mountaintop removal site, and a mile down-stream from a multi-million gallon coal slurry impoundment. The construction of FCI Letcher may release harmful chemicals and heavy metals under the surface of the MTR site into the surrounding environment, with the potential to negatively impact residents, correctional staff, and prisoners alike. These impacts were also not adequately studied or considered. Eastern Kentucky, including Letcher, was devastated by floods in 2022, which killed 44 people and damaged 9,000 homes. The county still is at high risk for floods. Letcher Countians need housing, infrastructure, employment, and climate strategies, not a prison.

The proposed site for FCI Letcher has many wetlands with forested canopies. These wetlands do exist and regardless of their 'quality,' they still provide habitat to all animals that would normally use a wetland area for drinking, spawning, feeding, habitat, and foraging. The wetland (WET006), that appear as a mud hole in a service road was reported in the wetland delineation form as full of frogs. Because this area has been mined previously, it is being assumed that the quality of wetlands is low. This is a short-sighted opinion and does not address the fact that valuable wetlands have prevailed in this area despite the impacts of mining.

A property that has been impacted by mining and contains wetlands is considered an ecological uplift of the property's aquatic resources. All wetlands on this property, regardless of Jurisdiction determination, provide economic and ecological services that are valuable to this property and the people of Letcher County.

The most economically valuable services that wetlands provide have been studied thoroughly and reported by government agencies. Wetlands soak up rain runoff, hold water, and slowly release it, reducing the frequency and intensity of flooding. Maintaining only 15% of the land area of a watershed in wetlands can reduce flood peaks by as much as 60%, saving enormous costs on flood damage (EPA publication 843–F–06–004). After peak flood flows have passed, wetlands slowly release the stored waters, reducing property damage downstream. One reason floods have be-

come more costly is that over half of the wetlands in the United States have been drained or filled. Most of these wetlands have been drained and filled with the Army Corp of Engineers approval and did not require mitigation measures, despite the known cost of property damage that will occur in the future.

Furthermore, studies have shown that wetlands can remove a quantity of pollutants equal to that of a water treatment plant (EPA publication 832–R–93–005). It has been proven over and over that wetlands improve water quality to the point that they are now being constructed for the purposes of improving water quality and for wastewater management. These studies do not exclude wetlands that will be excluded by the Army Corp of Engineers for the purposes of mitigation. It needs to be noted that ALL wetlands that are on this property will continue to exist and continue to provide this valuable economic service for the foreseeable future if they are left alone. They will require little to no upkeep and will serve the county by providing improved water quality and reduced flooding.

With consideration of this information, I urge you to consider rescinding the funding allocated to construct FCI Letcher. This prison is not needed and will adversely impact the region's ecology.

[This statement was submitted by Ashley Wilmes, Esq., Executive Director.]

PREPARED STATEMENT OF LEARNING AND EDUCATION ACADEMIC RESEARCH NETWORK

On behalf of the LEARN Coalition, we urge support for increased funding for several key Science Technology Engineering and Mathematics (STEM) related research programs that your subcommittee will debate as part of the Fiscal Year (FY) 2025 appropriations process. LEARN, a coalition of 41 leading research colleges of education across the country, supports critical investments in research aimed at advancing the scientific understanding of learning and development. We advocate for greater funding for these priorities across all Federal agencies, including the National Science Foundation (NSF). Specifically, LEARN is recommending $11.9 billion be allocated to NSF overall and $1.53 billion for the Directorate for STEM Education (EDU).

First, while grateful for the funding NSF was appropriated in FY2024, we were concerned that the FY2024 appropriated level representing a cut of more than 5 percent from what NSF was provided in FY2023. We respectfully assert that more funding is required to address the effects of historical underinvestment in fundamental research in the United States. According to the results of the 2023 National Assessment of Education Progress (NAEP), there was a nine-point decrease in math scores for age 13 students. This decline, the first score drop in mathematics to date, highlights the need for more research opportunities to close gaps and make up for lost instructional time. Without the funding necessary to support high-quality research opportunities, many of these disparities will be unaddressed as students fall further behind.

In addition to our call for a $11.9 billion funding level for NSF, LEARN supports funding for NSF's EDU directorate at $1.53 billion in FY2025. EDU works to prepare the next generation of STEM professionals by conducting rigorous research and evaluation of STEM education. If we are to compete globally, the U.S. must recommit itself to improved STEM education such that we can attract and retain the next generation of STEM professionals. Critical investments are needed to ensure we have effective programs to prepare and support STEM teachers and faculty. Over the past 20 years, the share of U.S. research and development funded by the Federal Government has declined; this decline has disproportionately impacted the higher education sector by reducing resources that drives the most innovation in this area. Stagnation in these key U.S. talent development programs come as our National security leaders are sounding alarm bells over foreign talent recruitment programs which are effectively siphoning STEM capacity from the United States and elsewhere to countries that are strongly investing while we remain complacent. As Congress considers making a large investment in STEM education, we urge you to first invest in EDU which has been successfully supporting STEM education research and dissemination to ensure the creation of an adept and diverse STEM workforce.

The LEARN Coalition believes strongly that collectively these key investments will advance scientific learning and development to ensure a globally competitive, STEM-educated workforce in the long run. Thank you for considering these requests and please contact us if we can be of any assistance.

Members of the LEARN Coalition: Auburn University, College of Education; Boston University, Wheelock College of Education and Human Development; Boston Col-

lege, Lynch School of Education; Florida State University, College of Education, Health, and Human Sciences; Georgia State University, College of Education & Human Development; Indiana University, School of Education; Iowa State University, College of Human Sciences; Johns Hopkins University, School of Education; Lehigh University, College of Education; North Carolina State, University College of Education; University of Oklahoma, Jeannine Rainbolt College of Education; Penn State University, College of Education; Purdue University, College of Education; Syracuse University, School of Education; Texas A&M University, College of Education and Human Development; The Ohio State University, College of Education and Human Ecology; University of Arizona, School of Education; University of California—Santa Barbara, Gevirtz Graduate School of Education; University of Central Florida, College of Community Innovation and Education; University of Connecticut, Neag School of Education; University of Florida, College of Education; University of Georgia School of Education; University of Houston College of Education; University of Illinois, Urbana-Champaign, College of Education; University of Kansas, School of Education; University of Maryland College Park, College of Education; University of Minnesota, College of Education and Human Development; University of Missouri, College of Education; University of Nevada-Reno, College of Education; University of North Carolina, School of Education; University of Oklahoma, College of Education; University of Oregon, College of Education; University of Pittsburgh, School of Education; University of Southern California, Rossier School of Education; University of Texas at Austin, College of Education; University of Vermont, College of Education and Social Services; University of Wisconsin, Madison School of Education; University of Wyoming, College of Education; Vanderbilt University, Peabody College of Education and Human Development; Virginia Commonwealth University, School of Education

---

PREPARED STATEMENT OF MENTOR

On behalf of MENTOR, our network of Affiliates, and youth mentoring programs across the country, I thank Chair Shaheen and Ranking Member Moran for the opportunity to provide testimony in support of a critical Federal investment in America's young people. I write this on behalf of MENTOR's Affiliate Network, thousands of mentoring programs, and millions of volunteer mentors that serve our communities each day. I'm also writing on behalf of the millions of young people across the United States still waiting to find the supportive relationships they need to thrive—including an average of 63 youth per mentoring program on wait lists. My testimony will focus on the Part G Youth Mentoring Program managed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Office of Justice Programs (OJP) at the Department of Justice (DOJ). MENTOR and our youth-serving coalition of partners are calling on your committee to continue the strong bipartisan support of the Youth Mentoring Program with an investment of at least $130 million in Fiscal Year 2025. This investment will make it possible for more mentoring organizations to use evidence-based practices to better meet the mentoring needs of the most vulnerable and disadvantaged youth in communities across the Nation.

MENTOR is the unifying national champion for expanding quality youth mentoring relationships. At a time when 1 in 3 young people are growing up without a mentor—a data point that has grown in recent years among our country's youngest generation—MENTOR seeks to close this "mentoring gap" and ensure that all young people have the support they need to succeed, everywhere they are. We seek to leverage resources and provide the tools and expertise that local programs—whether in schools, nonprofits, faith-based institutions, or the private sector—require to provide high-quality mentoring for young people who need it most, build greater awareness of the value of mentors, and positively inform public policy to bring opportunity to young people in need.

Quality mentoring through structured programs and relationships that form naturally with teachers, coaches, faith leaders, and other caring adults can have a profoundly positive impact on educational success, healthy development, and overall wellbeing. It is an innovative, evidence-based practice that is one of the few prevention and intervention tactics with the potential to support young people of all demographics and backgrounds in all aspects of their lives. We believe that this critical time in our Nation's history requires an approach that considers the inextricable linkage between a young person's academic achievement, mental, social, and physical health. For us to meet this moment, Federal investment into evidence-based programs that support positive youth development is required.

THE BENEFITS OF QUALITY YOUTH MENTORING

Youth mentoring is a simple, yet powerful concept: a caring adult or near-peer mentor provides guidance, support, and encouragement to help a young person achieve success in life. Research confirms that quality evidence-based mentoring relationships have positive effects on young people in a variety of personal, academic, and professional situations:

—*Social-Emotional Development and Mental Health.*—Mentoring provides young people with a sense of belonging and promotes positive social attitudes and relationships. In fact, research has shown that the strongest benefit from mentoring is a reduction in depressive symptoms. It can also help reduce mental health stigma and increase treatment entry and adherence. Ultimately, mentoring provides pro-social activities, increased positive relationships, life skills training, and access to networks—helping lead young people to productive futures.

—*Educational Achievement.*—Many students find meaningful relationships during the school day. In fact, analyses of one prominent national data set from Applied Developmental Science suggest that teachers and other school personnel, such as counselors, coaches, or front office and cafeteria staff, are among the most cited sources of naturally occurring mentors. Further, students who are chronically absent are more likely to drop out of school, exhibit behavioral issues, and lack a sense of belonging. Mentoring can increase school engagement, improve scholastic efficacy, and prevent misconduct.

—*Reducing Unsafe or Risky Behaviors.*—As protective factors for young people, mentors serve as positive role models to help young people make healthy decisions and avoid high-risk behaviors. For example, young people who meet regularly with their mentors are less likely than their peers to use illegal drugs and alcohol. Mentoring can also be integrated into multi-component violence prevention and intervention efforts, as it can reduce aggressive behaviors—such as fighting and bullying—and provide comprehensive support to youth at risk for committing violence or victimization. Recent research funded by OJJDP even found that mentoring programs potentially provide a benefit of three times the public expenditure for every day in jail that program participants avoid. Mentors help provide guidance to productive activities that support growth and development in a young person, such as sports and extracurricular activities.

—*Workforce Development.*—Mentoring helps develop the talent pipeline for our economy. Mentors prepare young people for the workforce through career exposure, skill-building, social-emotional support, and goal setting. Mentoring can also lead to higher retention rates, wage increases, and professional development. Through their mentors, young people are introduced to resources and organizations they may not be familiar with, introducing them to new networks as well as methods to find jobs and internships. Mentors in workplace settings are particularly impactful for marginalized young people, such as youth with disabilities, youth of color, and youth identifying as female, who are often underrepresented in certain industries, such as science, technology, engineering, and math (STEM).

—*Special Populations.*—Mentoring also offers a practical approach to supporting military-connected youth and youth in rural communities. Mentoring for these populations has been shown to improve academic performance and symptoms of depression, improving social support and parental ratings of stress in the home, and improvements in their health.

THE NATIONAL MENTORING RESOURCE CENTER

Mentoring programs can effectively and safely provide these benefits when they are fully trained on the most up-to-date evidence-based mentoring practice and training. In 2015, through funds from the Part G Youth Mentoring Program, the National Mentoring Resource Center (NMRC) was created to improve the quality and effectiveness of mentoring. MENTOR, its Affiliates, and other technical assistance providers supply tools, program and training materials, and no-cost, evidence-based technical assistance to mentoring programs, school districts, workplaces, and faith-based institutions across the Nation through the NMRC. This important resource has bolstered the ability of mentoring programs to serve young people from vulnerable populations, including young people at-risk of entering the juvenile justice system, youth in foster care, and victims of commercial sex trafficking.

The NMRC has proven to be both popular and effective in achieving its mission. The NMRC completed 759 requests with over 17,000 hours provided in FY23 (an average of over 20 hours of dedicated help per program.) After receiving services, over 96% of programs reported being satisfied or very satisfied with their provider's

effectiveness and knowledge, and the average program changed over 3 policies/procedures and created 4 new program materials (such as curriculum, databases, recruitment fliers, etc.) as a result.

CLOSING THE MENTORING GAP

While mentoring is clearly effective, mentoring organizations across the Nation still face barriers in providing high-quality services. Thousands of young people remain on waitlists at organizations because of limited resources, funding for programs, and the lack of capacity to recruit and train quality volunteer mentors. Further, inflationary costs, workforce shortages, and reduced charitable giving have prevented many nonprofit youth-serving organizations from the ability to fully recover from the pandemic. These issues combined provide many hurdles for mentoring programs. But with the support of both private and public investments, many mentoring organizations have been able to increase their capacity to meet their community's unique relational needs.

One of the ways that mentoring programs have succeeded in expanding quality services is through support from the Federal Youth Mentoring Program. The program, which touches every State, focuses on prevention and interventions for youth facing risk and helps to close the mentoring gap. These funds provide direct support for young people, who could otherwise become involved in negative behaviors and activities causing harm to themselves and their communities. It is also popular with the public; in a recent survey, more than 80% of adults reported that they support at least some investment in youth mentoring.

In a 2016 study conducted by MENTOR, it was found that 75 percent of programs have a budget of under $100,000. Costs for groups of young people with adverse childhood experiences (ACEs), such as those who have encountered traumatic events, teen parents, or victims of commercial sexual exploitation require more resources and expertise, which increases the program's cost per youth in order to fully address their unique needs. Mentoring programs work far beyond their financial capacity to serve young people, but with additional resources, their reach expands exponentially, and the quality of their services can strengthen through improved training. Mentoring programs utilize Federal support in part to better serve the large number of young people who could benefit most from evidence-based mentoring.

THE YOUTH MENTORING PROGRAM

The Youth Mentoring Program continues to be the only Federal grant exclusively dedicated to providing funds for evidence-based mentoring activities. Youth Mentoring Program funds have been awarded to national, multi-State, and collaborative mentoring projects and programs who serve suburban, rural, and urban populations. The flexibility of the grant has allowed organizations to use these funds to specifically tailor programs to their community's unique needs. This provides local control and specialized concentration on results that work best for each young person and their community. These funds also invest in research to learn what is most effective, bridging research to practice, and driving quality and impact through hands-on community-based capacity building. They are simply invaluable in the ways that they support youth development, educational achievement, and safe communities.

In the most recent data available, from FY22, an estimated 85,475 new mentor-mentee matches were made with funding from the Youth Mentoring Program. Further, 29,785 new trained mentors were recruited, including adult volunteers, college students, law enforcement officers, military, athletic coaches, peers, teachers, and corporate professionals.

MENTOR's request of $130 million for the Youth Mentoring Program in FY25—supported by over 400 direct service programs from every State in the country—will allow more young people to access to the important social, professional, and academic opportunities we all hope to provide for America's youth. The Youth Mentoring Program demonstrates a sound and effective investment in evidence-based programs that work. Strong mentoring programs weave together our communities, foster greater understanding, enrich the lives of both mentors and mentees, and efficiently leverage volunteers to drive impact backed by quality programs and practice.

Thank you again for this opportunity to provide testimony on this critical Federal resource supporting young people and for this subcommittee's long-standing, bipartisan support for the Part G Youth Mentoring Program.

[This statement was submitted by Abbie Evans, Chief Policy & Advocacy Officer.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF MARINE LABORATORIES

On behalf of the National Association of Marine Laboratories (NAML), I am writing in support of increasing FY 2025 funding levels to the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF), and the National Aeronautics and Space Administration (NASA). As you draft the Commerce-Justice-Science appropriations bill, NAML respectfully requests no less than $7.5 billion for NOAA and $16.7 billion for NSF. These agencies, including specific programs identified below, are essential to the health and future of our Nation and to the research and education ongoing at our member laboratories.

NAML is a network of 104 place-based marine and Great Lakes laboratories across the Nation with a mission to promote excellence in research, education, and public outreach in the marine and freshwater sciences. NAML also seeks to provide a forum for the resolution of challenges common to nonprofit marine laboratories in the United States and to inform the wise use and conservation of marine and coastal resources.

The need to understand, sustainably manage, and conserve our ocean, coasts, and Great Lakes only grows. Coastal counties in the United States are home to 40% of the population, and if they were their own country, their GDP would rank third in the world, following only the United States and China. Not only is the marine and Great Lakes economy an important part of our National economy, but it also often outperforms the National economy. For example, in 2021, America's marine economy saw a 7.4% growth in its contribution to the GDP, while the National economy grew by only 5.9%.

The role of the ocean and Great Lakes extends far beyond our economy. It is critical to our Nation's prosperity and security, impacting everything from global commerce and national defense to food security, resilient ecosystems, the Blue Economy, and the economic health of coastal and Great Lakes communities. To ensure our security in these areas, the United States must invest in and support agencies and programs that both help us better understand and observe our changing ocean. These agencies will also need to ensure that we will have a trained workforce that enables us to maintain our international competitiveness.

The Administration's Budget Request for FY 2025 proposes drastic cuts to many NOAA programs due to the reduced amount of Federal funding available in FY 2025 under the caps in the Fiscal Responsibility Act (Public Law 118–5). NAML respectfully requests that the committee reject these proposed cuts and instead support funding at no less than the levels that were appropriated in recent years, as is provided below for extramural ocean, coastal, and Great Lakes research, conservation, observing, and education programs.

NOAA

NOAA plays a key role in our Nation's security, stability, and prosperity. NAML labs operate on the frontline of a constantly changing environment. Thus, we understand more than most how much our Nation depends on healthy marine and freshwater resources, how weather and climate hazards challenge the resilience of coastal communities, and how research and education enterprises provide the knowledge and training for decision-makers in our coastal communities. NAML respectfully requests the funding of NOAA at no less than $7.5 billion. Additionally, within NOAA's Operations, Research, and Facilities (ORF) Account, NAML requests no less than the listed amounts for the following programs:

—The National Ocean Service ($679.4 million, FY 2023 enacted level) enables the safe, sustainable, and efficient use of marine and coastal resources across sectors including maritime commerce and transportation, fishing, aquaculture, energy development, recreation, and inland export/import.
  —Integrated Ocean Observation System Regional Observations ($56 million) benefits the economy, public safety, and the environment through its network that collects real-time observing data, develops tracking and predictive tools, and delivers tailed products to stakeholders and decision-makers.
  —Competitive Research ($22.5 million, FY 2023 enacted level) uses a competitive, external grant process to fund regional-scale and targeted research and assessment activities that support NOAA's coastal mission areas, including the only national grant programs dedicated to research topics in the *HAB and Hypoxia Research and Control Act.*
  —National Estuarine Research Reserve System ($33.3 million, FY 2024 enacted level) is a federal-state partnership that uses research and education to protect and understand estuarine resources, while functioning as sentinel sites within a changing environment.

—National Marine Sanctuaries and Marine Protected Areas ($86.2 million, FY 2025 Budget Request) conserves and facilitates sustainable use of seascapes, wildlife, and maritime heritage resources.

—Within funding for the National Marine Fisheries Service, NAML requests the amounts below for the following programs:

—Prescott Grant Program ($4.5 million, FY 2024 enacted level) provides competitive grants to stranding network organizations to rescue, rehabilitate, or investigate sick, injured, or distressed marine mammals and to determine the cause of death or disease of dead marine mammals.

—Aquaculture ($24.0 million, FY 2024 enacted level) provides science, services, and policies to support the significant expansion and sustainability of U.S. marine aquaculture.

—Office of Oceanic and Atmospheric Research ($661.3 million, FY 2023 enacted level) included in the Senate report, including no less than the:

—National Sea Grant College Program ($80 million, FY 2024 enacted level) turns research into actions that support science-based sustainable practices around resilient communities and economies, sustainable fisheries and aquaculture, healthy coastal ecosystems, and environmental literacy and workforce development.

—Sea Grant Aquaculture Research ($14 million, FY 2024 enacted level) is the largest, most comprehensive government grant program dedicated to supporting marine aquaculture development with grants addressing some of the top challenges to marine aquaculture.

—Ocean Exploration and Research ($46.0 million, FY 2024 enacted level) is the only Federal program dedicated to ocean exploration.

—National Oceanographic Partnership Program ($2.5 million, FY 2024 enacted level) is a unique catalyst for participation by nongovernmental organizations and industry in Federal ocean research and education projects in the areas of data, resources, education, and communication.

—Sustained Ocean Observations and Monitoring ($52.9 million, FY 2025 Budget Request) is a global system for observations and analysis of marine and ocean variables to support operational ocean services worldwide.

—Office of Education ($35.6 million, FY 2025 Budget Request) provides leadership on education matters, promotes NOAA products, and services to the public, and provides support for education activities across the agency.

—Bay Watershed Education and Training (B–WET) Regional Programs ($8.7 million, FY 2024 enacted level) is an environmental education program for K–12 students and educators that promotes locally relevant, authentic experiential learning.

—Jose E. Serrano Educational Partnership Program with Minority Serving Institutions ($20.8 million, FY 2024 enacted) uses a competitive process to provide financial assistance to students and Minority Serving Institutions that train students and conduct research in NOAA mission sciences.

NSF

NSF plays a key role in our Nation's security, stability, and prosperity and provides global leadership in advancing research and education.

NAML respectfully requests Congress fund NSF at no less than $16.7 billion, the congressionally authorized level. With this increase, NAML requests no less than the listed amounts for the following programs:

—Research and Related Activities ($8.0 billion, FY 2025 Budget Request) invests in both early-stage research and development of a future-focused science and engineering workforce that can accelerate progress in basic science and engineering research as well as support the private sector.

—STEM Education ($1.4 billion, FY 2023 enacted level including disaster supplemental) advances equity, builds a future workforce for the needs of today and the industries of the future, and expands STEM opportunities to everyone, everywhere.

NASA

NASA's Earth-facing missions, which help us understand our planet on both a large and a small-scale, are of particular interest to NAML.

NAML requests no less than $7.8 billion for Science (FY 2023 enacted level) and $2.4 billion for Earth Science (FY 2025 Budget Request), respectively.

CONCLUDING REMARKS

Investing in the programs and agencies at no less than the levels highlighted above will enable us to understand our changing ocean, coasts, and Great Lakes, which in turn will help ensure our economic stability, national defense, food security, and resilience. To ensure our National security-as it relates to economic, food, homeland, and environmental security-we request that the subcommittee reject any proposed reductions to extramural science programs included in the Administration's Budget Request and instead fund these programs at the levels provided above. These programs should be adequately funded now, not in response to the next disaster, and we fear these programs will not recover from the impacts of such drastic proposed cuts.

Thank you for your work on FY 2025 appropriations and for your time and consideration of this request. NAML would be happy to answer any questions or provide any additional information.

[This statement was submitted by Dr. Terry Donaldson, President.]

PREPARED STATEMENT OF NATIONAL ESTUARINE RESEARCH RESERVE ASSOCIATION

Chair and Members of the subcommittee, my name is Mike De Luca. I am the director of the Jacques Couteau National Estuarine Research Reserve, which is administered by Rutgers University. I submit this testimony in my capacity as president of the National Estuarine Research Reserve Association (NERRA). NERRA is a nonprofit organization, dedicated to advancing the understanding and protection of our Nation's estuaries and coasts by supporting the work of the National Estuarine Research Reserve System (NERRS). The NERRS is a time-tested, mission ready, state-federal partnership that focuses the expertise and resources of the National Oceanic and Atmospheric Administration (NOAA) on the needs of coastal communities and States.

On behalf of the special places Reserves protect and the communities we support, thank you. Farsighted legislation in the Coastal Zone Management Act (CZMA) designated the NERRS in 1972. Fifty-two years of congressional investment have helped us become a powerful network of 30 protected sites, encompassing nearly 1.4 million acres of coastal lands and waters. Our Reserves are living laboratories where scientists, communities, educators, and state partners come together to understand, protect, and enhance the societal and economic benefits of coastal and estuarine resources.

We protect places, but people are the heart of our System. State and local support was essential to the designation of every Reserve, and today, more than 36,000 people support the work of the NERRS in 24 States and Puerto Rico. Communities throughout the U.S. Coastal Zone recognize Reserves as "go to" places for high quality environmental data; locally-relevant science guided by community needs; training and technical assistance for decision makers and businesses; science education for teachers and students of all ages; and innovative approaches to managing the natural infrastructure that safeguards people and property.

Reserves also provide great economic benefit. According to a 2020 study by NOAA's Office for Coastal Management, Reserves enhance local and State economies through job creation and revenue contributions. For example, in 2019, Florida's Reserves increased local revenues by $45M through investments in staff salaries, facilities maintenance, operations, and partnerships. Nationwide, Reserves sustain more than 10,000 jobs, provide training to more than 13,400 people, and assist approximately 2,500 communities and 570 businesses.

Reserves also steward places that provide many valuable benefits to industries, communities, and States. Our nation's coastal wetlands, like those Reserves protect, are natural allies in efforts to mitigate the impacts of climate change, providing $23 billion in storm protection and absorbing 8.1 million tons of carbon dioxide each year. Lands and waters protected by the NERRS also support the Nation's multi-billion-dollar shellfish and seafood industry, recreational fishing, and other coastal and ocean industries valued at tens of billions of dollars. In addition, every Reserve leverages their annual Federal grant to bring additional funds to their communities. On average, Reserves leverage $22 million of Federal and State matching funds each year.

State and community demand for new Reserves is a testimony to their success. In FY 2025, the Atchafalaya Reserve in Louisiana will be designated and a site in Wisconsin's Bay of Green Bay will be designated in FY 2026. Additionally, the U.S. Virgin Islands is in the designation process, and the governors of Michigan and Florida have requested NOAA to designate new Reserves in their States.

Similarly, recent Bipartisan Infrastructure Law (BIL) funding for the NERRS is a recognition of the Reserve role in supporting the coastal natural infrastructure that is essential to community adaptation and resilience to the impacts of climate change and other coastal hazards. NERRA thanks Congress for making a significant, one-time investment of $77 million through the BIL for NERRS restoration and acquisition of lands. This will position Reserves to make impressive strides in their work to advance ocean, coastal, and Great Lakes resilience.

However, these funds are not a substitute for the annual funding needed to sustain NERRS operations. While investments through the BIL will support community-supported restoration and acquisition projects throughout the Reserve System, the success of these efforts depends on operations budgets that facilitate the healthy functioning of each Reserve and its programs.

Through the NERRS, coastal States work with NOAA to deliver science-based programs to help communities prepare for extreme storms, rising seas, and changing lake levels; sustain habitats essential to our fisheries; keep waters clean; and protect people and places on America's coasts. NERRA requests a robust operations budget that will support the growth of this highly valued program and ensure it has the capacity to put BIL funding to the highest possible use for coastal communities:

—NERRS Operations, Research, and Facilities (ORF): $47 million
—(With report language to ensure each Reserve receives increases)
—NERRS Procurement, Acquisition, and Construction (PAC): $10 million
—NOAA Coastal Zone Management and Services: support robust budget

Since Congress created the NERRS through the CZMA 52 years ago, Reserves have exceeded expectations. Today, they serve the Nation and coastal communities with the essential science and services they need to manage our rapidly changing coasts. Demand is high for Reserves and their programs-and it's growing, as new Reserves are pursued in different coastal areas. At the same time, existing sites are responding to increasing local needs for coastal access, land protection, trusted science, education, and training services.

NERRA's request for the FY 2025 NERRS ORF and PAC budgets will support this local and national growth and build Reserve capacity to work with our NOAA partners to maintain and enhance the following:

—Nationally significant monitoring programs that integrate community needs and provide standardized observations of how coastal conditions are changing over time;
—Collaborative science programs that deliver knowledge and tools where and when they're needed most to address local, State, and national priorities;
—Scientific training, technical assistance, and tools to help thousands of coastal decision makers enhance community resilience;
—Science, technology, engineering and mathematics-focused education programs that deliver field training, curricula, local data, and other resources to more than 54,000 students and 4,300 teachers each year;
—The NERRS/NOAA Margaret A. Davidson Graduate Research Fellowship Program, which provides science to address near-term, community needs related to nationally significant issues and training for the next generation coastal science and management workforce;
—Public access for hunting, fishing, boating, hiking, wildlife watching, and passive recreation on more than one million acres of land and water.

NERRA's $47 million request for an FY 2025 NERRS ORF budget is a $13.7 million increase over the FY 2024 program baseline. This increase will support the NERRS in the following ways:

1. Increase direct funding to Reserve sites for operations. The requested NERRS ORF budget would send $1 million (minimum) to each Reserve. This will empower Reserves to meet rising inflation and increased community needs, address the impacts of climate change, improve equity for underserved people, and build the resilience of natural infrastructure. Each dollar spent on Reserve operations enhances the state economy and leverages more dollars.
2. Increase investment in national programs with local and national impact, as recommended by the congressionally-initiated NERRS Blue Ribbon Panel. (See bullets list above.)
3. Support expansion of the National System from 30 sites to 35. FY 2025 funding will facilitate designation of the Atchafalaya Reserve in Louisiana and the Bay of Green Bay Reserve in Wisconsin in FY 2025 and FY 2026, respectively. Funding also will support the designation process for the U.S. Virgin Islands site, as well as the proposed Reserves in Michigan and Florida.

NERRA's requested report language for FY 2025 NERRS ORF funding.

NERRA requests that the FY 2025 appropriations bill contain the following report language to ensure funding goes out the door to States and communities on the frontline of coastal management:

> *With acknowledgement of the NERRS Blue Ribbon Panel recommendations, NOAA shall distribute all increases above current level funding directly to the Reserve sites in order to enhance resilience and local impact. Increases to Reserves require each to meet Federal match requirements: Reserves that cannot meet the federally required match will be awarded the maximum amount for which they can provide match. Any non-Reserve directed funding increase remaining shall be provided for NERRS specific national programs.*

NERRA's $10 million request for an FY 2025 NERRS PAC budget is a $1.5 million increase over the FY 2024 program baseline.

NERRS PAC funding advances conservation through the strategic acquisition of priority lands and the construction and upgrades of essential facilities. PAC funds enhance the climate resilience of Reserve infrastructure with sustainable, energy efficient materials and designs that reduce the risks associated with storms, rising waters, and flooding. These improvements serve as models for communities seeking to mitigate carbon emissions and reduce the impacts of climate change through more resilient design. PAC funds also are critical to ensure that Reserve research, education, and outreach programs continue to meet community needs. Reserves compete for PAC funding, and the need for construction funds that generate jobs is more than $36 million. Moreover, Reserves have identified $166.5 million in future needs for restoration, construction, and essential facilities upgrades that would create approximately 2,390 local jobs.

NERRA supports a strong budget for NOAA Coastal Zone Management and Services.

NOAA's Office for Coastal Management (OCM) provides national leadership to guide, coordinate, and leverage the work of State and Territory Coastal Zone Management programs, the NERRS, the Digital Coast Partnership, and the Coral Reef Program for maximum impact. It also provides science, data, and tools that benefit communities, as well as leadership and support for training and mentoring the next generation of coastal management scientists and professionals.

In conclusion, and with appreciation

NERRA is deeply grateful for the support this subcommittee has demonstrated for the NERRS. Our FY 2025 request of $47 million for NERRS ORF and $10 million for NERRS PAC will enhance NERRS ability to work with States and communities to address climate change and other natural resource challenges, while supporting the economic viability of coastal businesses and industries. Thank you for the opportunity to present these remarks. On behalf of NERRA, I would be happy to answer questions or provide additional information.

Prepared Statement of National Fish and Wildlife Foundation

Chair Shaheen, Ranking Member Moran, and Members of the subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2025 funding that impacts the National Fish and Wildlife Foundation (NFWF). We respectfully request your approval of funding of the National Oceanic and Atmospheric Administration's (NOAA) budget and particularly for the National Ocean Service and National Marine Fisheries Service to allow for continued and expanding partnerships that deliver high quality ocean and coastal conservation and resilience.

NFWF and NOAA have been strong partners since 1996 and the Foundation continues to administer programs with NOAA that address ongoing and emerging issues. We believe that NFWF is a sound investment because of our proven track record for leveraging Federal funding with private contributions to maximize the impact of Federal resources. We appreciate the subcommittee's past support and respectfully request continued funding for the following programs and partnerships.

NATIONAL COASTAL RESILIENCE

Resilient communities are better prepared to adapt to changing natural resource conditions, infrastructure threats and impacts to local economies. NFWF and NOAA working together through the National Coastal Resilience Fund (NCRF) provide communities with invaluable resources for restoring, enhancing, and strengthening natural infrastructure—the natural features that help reduce the impacts of coastal storms and floods—protecting communities while also enhancing habitats for fish

and wildlife, addressing climate change, and sequestering carbon. In addition, NFWF also leads significant monitoring and evaluation efforts that measure the enhanced resilience of the restored coastal systems which helps improve our understanding of which activities provide the greatest and most cost-effective reductions in storm risk and storm damage.

Through the NCRF in 2023, NFWF awarded approximately $144 million in competitive grants to support planning, design and implementation of nature-based resilience projects. The 109 grants announced will generate more than $97 million in matching contributions for a total conservation impact of nearly $242 million. These investments will support the restoration or expansion of natural features such as coastal marshes and wetlands, dune and beach systems, oyster and coral reefs, coastal rivers, and barrier islands that minimize the impacts of storms, flooding and other coastal hazards. In addition to NOAA, 2023 partners included the Department of Defense, TransRe, Shell USA, Inc., Oxy, and Salesforce. These partners pooled resources to promote projects that advance innovative approaches to protect communities against regional threats resulting from climate change.

The demand for this program's financial resources continues to significantly exceed the amount of annual funding available. For example, in the calendar year 2023, NFWF received 395 proposals seeking more than $633 million in funding, with approximately $144 million in available resources to meet this need. Demand continues to exceed available funding significantly.

FISHERIES ELECTRONIC MONITORING AND REPORTING

Since 2010, NFWF has invested significantly in fisheries around the U.S. to implement projects that are modernizing the way vital fisheries data are collected, shared, and analyzed. High quality, timely, and accurate fisheries information is critical to maintaining sustainable U.S. fisheries. Fishermen and seafood marketers are increasingly using information about their fishing activity to improve the efficiency and effectiveness of their operations and to satisfy their customer demands for legally and sustainably caught seafood.

From 2015 to 2023, the Electronic Monitoring and Reporting (EMR) grant program has awarded more than $32.9 million across 112 projects that modernize U.S. fisheries data collection. The awards leveraged nearly $50 million in matching funds and generated a conservation impact of $82.2 million. Innovation and technology have the potential to reduce the cost of fishery monitoring; increase the speed, reliability, and transparency of fisheries data; and enable managers and fishermen to address fisheries management challenges more effectively. EMR isn't one size fits all and NFWF projects represent a cross section of the advancements being made around the U.S. in fisheries management to address the unique of regions and fisheries.

CORAL REEF CONSERVATION

Since 2000, NFWF has partnered with NOAA, U.S. Fish and Wildlife Service (FWS), and the U.S. Department of Agriculture, National Resources Conservation Service (NRCS) to respond to the alarming decline in both the quantity and productivity of the Nation's coral reef ecosystems through multiple coral conservation initiatives that aim to improve management, increase public awareness, and reduce threats to coral reefs. NFWF works with local, State, territorial, Federal and regional partners to achieve its goals in coral conservation and bolsters multi-agency initiatives like the U.S. Coral Reef Task Force Watershed Partnership Initiative. The program supports reef resiliency by reducing local stressors from unsustainable harvest and land-based pollution. In 2020 the program added a new funding priority to build capacity for direct reef restoration efforts and launched a separate emergency funding solicitation to respond as quickly as possible to mitigate damaging events like Stony Coral Tissue Loss Disease.

Since the creation of NFWF's coral program in 2000, the program has awarded $23 million across 417 projects, leveraging more than $31 million in conservation resources. Funds have assisted broad-scale coral reef management by establishing new techniques for assessing and monitoring reef health and new fishery management models. Site-specific initiatives have developed and implemented watershed management plans, reduced sediment erosion through stream bank stabilization, provided incentives to encourage adoption of best practices on agricultural lands, and supported capacity-building of management and conservation organizations to sustain conservation outcomes.

KILLER WHALE CONSERVATION

NFWF partners with NOAA's Office of Protected Resources, FWS, U.S. Navy, SeaWorld Entertainment and BNSF Railway on the Killer Whale Research and Conservation Program (KWRCP) to aid in the recovery of the Southern Resident killer whale population in the Pacific Northwest. The program prioritizes the highest impact activities recommended in the recovery plan as more funding is sought to deliver additional actions beyond traditional management and conservation measures.

In 2024 the KWRCP awarded 10 grants totaling more than $1.8 million, drawing an additional $1.7 million in grantee match for a total conservation investment of more than $3.5 million. These awards will foster collaborative efforts in the following areas: increase prey availability through restoration of important salmon runs; improve water quality and reduce disturbance in critical habitat; fill research gaps in health, demographics, and stressors; and increasing habitat quality. All these strategies work to partner science with management action and restoration activities. NFWF has taken a comprehensive "food-web" approach to recovering this apex predator and works with state and transboundary managers to implement recovery actions.

PAPAHĀNAUMOKUĀKEA RESEARCH AND CONSERVATION FUND

NFWF's and NOAA's partnership of the Papahānaumokuākea Research and Conservation Fund provides coordinated and collaborative research and conservation in support of effectively managing the species and habitats in the Papahānaumokuākea Marine National Monument (Monument). One of the key challenges for NOAA and its partners managing this expansive area is its remote location in the Pacific Ocean. Past agency funding only allowed for a single voyage per year to the Monument to address multiple needs and locations, making it difficult to conduct the in-depth studies managers need. NFWF and NOAA initiated a new model for investments to go deeper, learn more and further expand the existing program and research dollars that are currently invested to maximize the conservation impact.

The partnership supports collaborative research and conservation actions to galvanize funders and funding around a critical management strategy or pervasive threat. One example is the expanded effort to reduce a direct threat to the habitats and wildlife in the Monument from marine debris. The partnership has launched a 5-year effort to remove 500 tons of marine debris in the monument and increase capacity and efficiency in the program and reduce the need for annual removal to sustainable maintenance levels. Throughout all investments, the program seeks to maximize conservation impact, management capacity and cultural and outreach opportunities.

MARINE DEBRIS

NFWF and NOAA have developed and implemented strategies to combat the problem of Marine Debris. Starting over two decades ago, NFWF administered a Marine Debris Program to assist NOAA's new program in understanding the scope of marine debris across the Nation by advancing science around sources of debris and impacts to both habitats and wildlife. These early efforts transitioned into the Fishing for Energy program which prioritized removal and prevention of derelict fishing gear as one of the most pervasive and destructive types of marine debris. This programmatic funding and disposal infrastructure has helped to expand and institutionalize marine debris removal and disposal efforts in several coastal States and port communities.

Building off this extensive experience, in 2020 NOAA asked NFWF to assist in administering approximately $10 million in 2019 supplemental funding to remove damaging marine debris from coastal areas of communities impacted by hurricanes Florence and Michael, and Typhoon Yutu and again in 2021 to administer supplemental funding for hurricane damage that occurred in 2020–2021 seasons. The Hurricane Response Marine Debris Removal Fund is a partnership between NFWF and the NOAA Marine Debris Program that awards grants to assess, remove and dispose of the resulting marine debris. Grants are awarded based on the targeted debris' existing or potential impact to coastal communities and resources, and to prevent further harm to sensitive marine habitats and species listed under the Endangered Species Act. We anticipate continuing this partnership as needed based on the success of these initial investments.

NFWF BACKGROUND

NFWF was established by Congress in 1984 to leverage Federal funds with private investments to conserve our Nation's fish, wildlife and their habitats. Every dollar directly appropriated to NFWF by Congress goes to on-the-ground conservation projects and NFWF charges no administrative costs. NFWF raises private funds not only to leverage Federal dollars, but also to support the associated management costs of implementing the Federal funds. Since its creation, NFWF and its grantees have invested more than $10 billion through more than 22,100 grants while partnering with more than 6,800 grantee organizations.

NFWF remains fully transparent and is required by law to notify Congress 30 days in advance of every grant that exceeds $10,000 in Federal funds. Details of all projects awarded during FY 2023 can be found in NFWF's annual investment guide and all NFWF's grants can be found on our website: https://www.nfwf.org/grants/grants-libary.

NFWF is audited annually by an independent accounting firm and for our most recent audit for FY 2023, NFWF received an unqualified report with no material weaknesses and no deficiencies. This is the FIFTEENTH consecutive year of unqualified audits. In addition, NFWF has continually qualified as a low-risk auditee under OMB guidelines.

In FY 2023, through discretionary cooperative agreements, NFWF partnered with 15 Federal and State agencies or departments and 52 corporations and foundations to support implementation of Federal conservation priorities. These efforts focused on working landscapes, private lands, natural resource conservation, coastal resilience and community-based restoration.

Chair Shaheen, Ranking Member Moran, and members of the subcommittee, we appreciate your continued support and stand ready to answer any questions you or your staff might have.

[This statement was submitted by Will Heaton, Director, External Relations.]

PREPARED STATEMENT OF NATIONAL LEGAL AID & DEFENDER ASSOCIATION

NLADA is America's oldest and largest national organization whose resources are exclusively dedicated to excellence in the delivery of legal services. Our comments concern the Legal Services Corporation (LSC) and various U.S. Department of Justice (DOJ) programs.

LEGAL SERVICES CORPORATION

Equal justice is one of our country's most firmly held values. Every year, civil legal aid helps American families to secure fair resolutions to legal issues affecting their basic needs, but millions more have to handle them alone. This is because civil legal aid organizations do not have the resources they need to serve their communities fully. The Legal Services Corporation (LSC) is the largest single source of funding of legal aid in the United States, and our analysis indicates that an investment of at least $2.09 billion in LSC is necessary in FY2025. Civil legal aid helps low-income people at risk of losing their home or income, parents navigating the family court system, older Americans experiencing abuse or neglect, consumers who are victims of fraud, and many others with serious legal problems.

The help that LSC grantees provide is highly consequential. The most common issue they provide assistance around is housing. Unlawful evictions and unsafe living conditions destabilize families and put them at risk of homelessness, but legal assistance can help people avoid these outcomes. The difference this makes is clear. For example, tenants who have access to full legal representation in housing court have been found to be four times less likely to subsequently use a homeless shelter. This impact is limited by the availability of resources. Tenants are represented by counsel in just 13 percent of cases, compared to landlords who are 76 percent of the time.[1]

Family law is the second most common type of issue with which LSC's grantees provide assistance, and their work in this area is similarly impactful. Women who have experienced domestic violence and receive legal help have better mental health

[1] Grundman, L. and Kruger, M. 2018. Legal Representation in Evictions—Comparative Study.

outcomes,[2] increased income, and decreased use of government benefits[3] than those who cannot access civil legal aid. Unfortunately, although legal aid organizations will prioritize providing assistance to help a victim escape their abuser, resource constraints mean they are often unable to provide the extended services that create long-term stability.

The current insufficiency of resources is a direct result of the chronic underfunding of civil legal aid; it has kept pace with neither the level of need nor increases in Federal discretionary spending in recent years. LSC reports that with its current budget, its grantees can fully resolve only 29 percent of eligible legal problems brought to them. A further 22 percent receive limited assistance, and 49 percent of people seeking help cannot be served at all.[4] LSC's own budget request suggests that the corporation would need a budget of $718 million just to prevent this situation from deteriorating any further next year. The Corporation estimates that fully resolving every problem would require $1.797 billion. This estimate is based on analysis of grantee intake data, with a small upwards adjustment to account for the doubling of the child poverty rate since that data was collected. NLADA supports the methodological approach behind LSC's analysis. However, the appropriation level we recommend exceeds the amount suggested by LSC because as the corporation's budget request itself explains, it underStates the funding needed by excluding a number of important factors.[5]

Expiration of Pandemic-Era Supports

The grantee data used by LSC in its analysis was gathered at a point in time when demand for services was suppressed by temporary Federal programs that helped low-income Americans meet their basic needs, including under the CARES Act, which lowered the number of people meeting the income-eligibility criteria for receiving services. This is partly captured by LSC's adjustment on the basis on the increase of the child poverty rate, but pandemic programs had other impacts not directly captured by measures of poverty. For example, measures aimed at preventing evictions depressed the need for housing related legal help. The CARES Act (and subsequently, the American Rescue Plan Act) also supported civil legal aid organizations themselves, providing additional resources for the delivery of legal services that no longer exist. LSC's analysis therefore does not go far enough in accounting for the expiration of these programs.

Consequences of Chronic Underfunding

Given the scale of the need for legal help, legal aid organizations direct the maximum amount of resources possible to serving clients. This has come at the expense of maintaining human and physical infrastructure, which has now reached a crisis point. Attorneys at legal aid organizations are paid salaries that are the lowest in the legal profession, and organizations are increasing reporting that an inability to recruit and retain staff is a primary barrier to delivering services, particularly in rural areas. This problem is both historic and growing, as wages in legal aid are neither keeping pace with inflation nor with wage growth across economy overall,[6] and is compounded by rapidly rising law school debt amounts.

The other serious consequence is the closure of physical office locations, which multiple programs report having been forced to do. This prevents legal aid organizations from being present in communities, particularly in rural areas, and causes fewer people to know there are resources available that could help them. Further losses would widen a disparity that is also the result of the concentration of private funding sources, pro bono assistance, and non-LSC legal services organizations in

---

[2] Renner, L. M., and Hartley, C. C. "Psychological Well-Being Among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services." Journal of Interpersonal Violence 36, no. 7–8, (2021).

[3] Hartley, C.C., and Renner, L.M. "Economic Self-Sufficiency among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services." Journal of Family Violence 33, (2018).

[4] Legal Services Corporation. 2022. The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans. Prepared by Mary Slosar, Slosar Research, LLC.

[5] Neither LSC's request nor this recommendation account for the larger population of income-eligible people who have legal problems but do not seek help. An estimated 92 percent of low-income Americans receive no assistance with their legal problems, often because they do not know help is available or that their problem is legal in nature.

[6] Between 2008 and 2022, the median salary for entry-level legal aid lawyers rose by 43 percent, compared to 52 percent for all jobs. (Author's calculations. See: NALP. June 22, 2022. New Public Service Attorney Salary Figures Show Growth Since 2018, But Remain Considerably Below Private Sector Salaries, and Federal Reserve Bank of St. Louis, Median Personal Income in the United States.)

urban areas. This disparity would be far more severe were it not for LSC's commitment to ensuring that legal assistance is available in every ZIP code in America.

U.S. DEPARTMENT OF JUSTICE PROGRAMS

Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance

We request that Congress expands funding for the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance grant program (TCCLA). In recent years, TCCLA grants have totaled up to around $2 million, but for multiple, overlapping reasons, there is an acute need for dedicated help for Tribes that necessitates an increased level of funding. Native American communities experience far higher rates of poverty than other groups,[7] and consequently a higher number of routine civil legal needs on average. There are also many issues unique to organizations serving Native Americans, such as Indian Child Welfare Act cases and navigating Tribal sovereignty. Additionally, Indian legal services programs often also handle criminal legal assistance work, further diluting the limited resources available to them.

An increase in funding would enhance the work done on behalf of Native Americans by Indian Legal Services programs. A consortium of such programs operating in 23 States provides legal representation to thousands of American Indian and Alaska Native individuals in Tribal and State courts, and assists 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 services available. TCCLA has helped many of these programs deliver direct civil and criminal legal assistance, including for example, representation of children as guardians ad litem. It has also enabled these programs to help develop legal infrastructure in their jurisdictions, such as by supporting revisions to Tribal codes, policies, and procedures, and to build partnerships with other stakeholders, such as Tribal domestic violence and crime victims' advocates, prosecutors, and other community services to increase the effectiveness of their programs and to build awareness about the availability of services.

Whether the committee includes a line item for TCCLA under assistance for Indian Tribes within the State and Local Law Enforcement Assistance account, or to provide funding within a Tribal set-aside percentage of Office of Justice Programs accounts, it is important that both the bill and report language recognize the urgent need to expand access to justice for Indian Tribes by increasing funding for civil and criminal legal assistance under the Indian Tribal Justice Technical and Legal Assistance Act.

Violence Against Women Act (VAWA) and Victims of Crime Act (VOCA) Programs

More than a third of women in America will experience sexual violence, physical violence, and/or stalking by an intimate partner during her lifetime,[8] and as described above, civil legal aid can not only help survivors to escape their abuser but also obtain long-term stability for themselves and their children. We urge the committee to provide at least $60 million for legal assistance for victims under VAWA. We also ask that you increase the availability of resources from the Crime Victims Fund (CVF), and act to protect its long-term stability. The VOCA Fix to Sustain the Crime Victims Fund Act was passed in 2021 by an overwhelming majority of the House and unanimously in the Senate, demonstrating the depth of bipartisan concern about this issue. Data from 2021 suggests that legal aid organizations accessed approximately $97 million from the fund in that year, which organizations used to not only employ advocates dedicated to supporting survivors but also fund entire domestic violence units within their programs. We are however aware of organizations that have subsequently been forced to significantly scale back this work as a result of the depletion of the fund and the lowering of the cap on distributions from it. We urge the committee to raise the cap to its FY2023 level at a minimum, and to provide an appropriation to replenish the fund. This would enable legal aid organizations to reinvigorate their work to protect survivors.

---

[7] In 2022, the poverty rate for children designated American Indian or Alaska Native (not in combination with one or more other races) by the U.S. Census Bureau was 25.9 percent, almost four times the 7.2 percent poverty rate for white children. See: Ismael Cid-Martinez and Stevie Marvin, Native American Child Poverty More Than Doubled in 2022 After Safety Net Cutbacks Posted, Working Economics Blog, Economic Policy Institute, November 30, 2023.

[8] Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010–2012 State Report. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Office for Access to Justice (ATJ)

ATJ is the government-wide authority on access to justice, and its functions enhance the ability of civil legal aid and public defender organizations across the U.S. to deliver services effectively. The office leads innovation in the field, most recently around expanding access to help in Federal administrative proceedings, language access, and the simplification of Federal forms and processes, which can reduce the need for legal help. ATJ also hosts the Legal Aid Interagency Roundtable (LAIR), which convenes 28 Federal agencies to improve coordination around access to justice. Civil legal aid often enhances the effectiveness of Federal programs, for example by helping veterans correctly navigate resources administered by the Department of Veterans Affairs. By developing and strengthening the connections between Federal priorities and legal services, LAIR helps numerous Federal programs operate more efficiently. The $10.5 million requested by the President for ATJ will provide sufficient resources for the office to continue this work. Additionally, the committee should break out ATJ as a standalone account within the bill, in order to increase transparency and accountability in the funding of the office.

State and Local Public Defender Funding

The Sixth Amendment right to counsel is the cornerstone of our adversarial system of justice, but public defenders across the U.S. do not have the resources they need to handle workloads that have reached extreme quantities. This limits the amount of time they can spend on any particular case, prevents them from hiring investigators or experts that can prove a defendant's innocence, or even being present at critical court hearings. Americans understand this and a large majority of public agree that more taxpayer dollars should be used to fund public defense.[9] Fortunately, there is bipartisan legislation that would provide these resources while implementing reasonable workload limits. H.R. 3758 would provide $250 million per year in grants to support State and local public defenders, and we request that the committee provide this funding.

John R. Justice Student Loan Repayment Assistance Program (JRJ)

Our country's legal systems could not function without the individuals who choose to obtain a law degree. Unfortunately, the cost of this education has risen considerably and average salaries for public defenders and prosecutors have not kept pace. This has made it unaffordable for many to take these critical roles or to remain in them for more than a few years. JRJ offers vital financial support that makes it possible for recipients to continue providing these essential functions, but the program has been badly underfunded in recent years. We ask that you finally appropriate the full $25 million authorized under 34 USC § 10671.

[This statement was submitted by Radhika Singh, Vice President, Civil Legal Services & Strategic Policy Initiatives.]

PREPARED STATEMENT OF NATIONAL MARINE SANCTUARY FOUNDATION

Chair Shaheen, Ranking Member Moran, and members of the subcommittee, thank you for the opportunity to submit written testimony regarding appropriations for the National Oceanic and Atmospheric Administration (NOAA) for Fiscal Year (FY) 2025. As supporters, stakeholders, and partners of America's National Marine Sanctuary System, we strongly urge the committee to:

1. Appropriate at least $91.5 million for Sanctuaries and Marine Protected Areas, within the National Oceanic and Atmospheric Administration's Operations, Research, and Facilities (ORF) account; and,
2. Appropriate at least $8.5 million for Marine Sanctuaries Construction, within NOAA's Procurement, Acquisition, and Construction (PAC) account.
3. Direct NOAA to prioritize conservation, education, mapping, and research efforts across the agency in the National Marine Sanctuary System.
4. CAP NOAA and National Ocean Service corporate fees to no more than 5 percent of the annual appropriations.

OFFICE OF NATIONAL MARINE SANCTUARIES

NOAA's Office of National Marine Sanctuaries (ONMS) serves as the trustee for a network of 15 national marine sanctuaries and two marine national monuments that encompass over 620,000 square miles of marine and Great Lakes waters. The

[9] New Report Reveals Urgent Need to Educate Americans on Right to Counsel, American University School of Public Affairs, 2017.

National Marine Sanctuary System conserves some of the Nation's most critical natural, historic, and cultural resources. Sanctuaries are home to millions of species, preserve our Nation's maritime and cultural heritage, and promote public access for exploration and world-class outdoor recreation and enjoyment. Sanctuary visitor centers, vessels, and facilities are key assets for communities; stimulate public-private partnerships on emerging technologies, cutting edge science, and hands-on education, and attract millions of visitors each year.

National marine sanctuaries are sources for solutions. They are living laboratories, outdoor classrooms, and tourism and recreation destinations. The conservation and sustainable use of marine ecosystems is vital to maintaining a healthy ocean and Great Lakes, sustaining productive coastal economies, and addressing climate change. According to the U.S. Bureau of Economic Analysis (BEA), the marine economy accounted for $432 billion of US gross domestic product in 2021, with a 7.4% growth over 2020 that outpaced the National economy. Tourism and recreation accounted for the most significant portion, $153 billion of the gross output, and marine living resources accounted for $18 billion in gross output. Both sectors depend on a healthy ocean. Sanctuaries drive the growth of the blue economy through fishing, diving, recreation, hospitality, and tourism.

Climate change is disproportionately impacting the ocean and its impacts threaten the physical well-being, economic prosperity, and food security of communities along our coasts and businesses that rely on marine resources. Marine protected areas are a key part of the solution to ocean climate impacts. They protect ecosystems that remove atmospheric carbon and store it in marine sediments and habitats, safeguard coastal communities from flooding and storms and reduce non-climate stressors to support ecosystem resilience. Scientists are increasing our understanding of the climate drivers, conditions, trends, and predictions affecting our ocean through research conducted in sanctuaries.

For Sanctuaries and Marine Protected Areas ORF account, we urge Congress to provide at least $91.5 million.—This is the minimum level of funding necessary to advance conservation and restoration in U.S. waters, conduct scientific research, effectively manage sanctuaries, enforce regulations, and engage the public in stewardship. The requested increase is an investment in the growing number of communities seeking to nominate new national marine sanctuaries. There are currently six new national marine sanctuaries in our Atlantic, Pacific, and Great Lakes waters undergoing the public sanctuary designation process. Providing increasing and robust funding to the Office of National Marine Sanctuaries is an investment in the growing communities, both existing and in designation, to ensure public engagement and public-private partnerships that are the hallmark of sanctuaries.

Engaging communities as stewards of these 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. Public participation is a hallmark of sanctuaries and underscores their dedication to civic engagement and leadership. From nomination to day-to-day, communities are at the core of national marine sanctuaries. NOAA tailors each sanctuary's management plan to the specific goals of each national marine sanctuary, which in turn reflects the unique resources and needs of each sanctuary's respective community. Decisions about how to best manage each of these special places continue to be made using the best available scientific data, as well as extensive public input, including through Sanctuary Advisory Councils, community-based advisory groups established to provide advice and recommendations to superintendents. With additional funding, NOAA will increase engagement with communities of color, underrepresented groups, and Indigenous and native peoples, in conservation, planning, and outreach across the system.

For Marine Sanctuaries Construction (PAC) account, we urge Congress to provide at least $8.5 million.—The National Marine Sanctuary Program has a prestigious history of science and research expeditions, including a half-century of new discoveries—such as shipwrecks, artifacts, species, habitats, and natural processes—that inspire, amaze, and awe. Sanctuaries act as living laboratories for stewardship, education, restoration, and science to address climate impacts. To continue on-the-water science and conservation programs that strengthen the management of our ocean and Great Lakes, investment in recapitalizing aging vessels across the National Marine Sanctuary System in addition to upgrades, retrofits, and life-cycle extensions is critical. Increased PAC funding would support the replacement or repair of vessels and allow managers and partners to better assess, monitor, research and protect national marine sanctuaries. These efforts include responding to entangled whales, conducting scientific missions, maintaining mooring buoys, testing new technologies and tools, and enforcing regulations. Funding would also support improve-

ments for visitor centers, facilities and signage, and ADA compliance that anchor tourism and recreation in communities and enhance equitable access to nature.

PRIORITIZING NATIONAL MARINE SANCTUARIES

National marine sanctuaries protect nationally significant areas in our ocean and Great Lakes akin to national parks and national wildlife refuges. Because of their special designation and NOAA's responsibility to hold them in trustee, the Department of Commerce and the agency should prioritize investment in these areas. We appreciate Congress recognizing the importance of sanctuaries and including report language in the FY 2023 Consolidated Appropriations Act "the Committee directs NOAA to prioritize conservation, education, mapping, and research efforts across the agency in the National Marine Sanctuary system". We greatly appreciate this and request the subcommittee again include this report language for FY 2025.

CAP FOR NOAA AND NOS ADMINISTRATIVE COSTS

We urge the subcommittee to cap NOAA's and NOS's corporate and administrative costs at five percent of total ORF appropriations for the account. In FY 2024, ONMS paid over $9 million in administrative overhead costs to NOAA. This includes a NOAA wide direct bill assessment, NOS Assessment, facilities assessment, and a $1 million deobligation. ONMS shoulders a disproportionate share of corporate expenses and direct bills because other programs are exempt from such fees. Rather than ONMS and other non-exempt programs shouldering these costs, we urge the subcommittee to cap costs and require NOAA to budget for these expenses directly. Direct accounts for NOAA's and Line Offices' Administration, management, and corporate services would be transparent and allow Congress to appropriate actual costs for these expenses. More importantly, it ensures NOAA has the necessary and deserved budget for administration and management without impacting program and mission delivery.

National marine sanctuaries connect people and communities through science, education, U.S. history, recreation, and stewardship and inspire community-based solutions that help individuals understand and protect the spectacular underwater habitats, wildlife, archaeological resources, and cultural seascapes of the United States. This is an opportunity to invest in America's waters and the communities and businesses that depend upon them. Robust funding will ensure sound management of these treasured places through community stewardship; support of mission critical tools, like small boats; active restoration of marine environments; preservation of maritime resources; and improved understanding of marine and Great Lakes ecosystems. Funds will allow NOAA to strengthen its research, monitoring, restoration, permitting, community engagement, and interagency partnerships, better informing NOAA's locally-driven management decisions, and advance designation and protection efforts for the 6 proposed national marine sanctuaries.

Thank you for this opportunity to provide written testimony. We strongly encourage you to invest in America's community-based national marine sanctuaries by supporting the Office of National Marine Sanctuaries at no less than $100 million in Fiscal Year 2025. Your support for marine sanctuaries will send a powerful message about the benefits of a healthy ocean and Great Lakes and underscore the continuing ecological, economic, and historical value of America's underwater national treasures. We thank you for your consideration of this request. We look forward to working with the subcommittee during the FY 2025 appropriations process.

[This statement was submitted by Ms. Shannon Colbert, Senior Vice President of External Affairs.]

PREPARED STATEMENT OF NATIONAL SECURITY COUNSELORS

Chair Shaheen, Vice Chair Moran, 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.[1] It is the force behind Special Counsel Robert Mueller's decision not

[1] Kel McClanahan, How one secretive Justice Department office can sway the whole government, Wash. Post (Sept. 26, 2019), available at https://www.washingtonpost.com/outlook/2019/09/26/how-one-secretive-justice-department-office-can-sway-whole-government/.

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."[2] The policy Mueller "was bound by" was an OLC opinion,[3] 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."[4] 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."[5]

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.[6] 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."[7] 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

---

[2] 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.

[3] 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.

[4] 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.

[5] 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.

[6] See N.Y. Times Co. v. DOJ, 915 F. Supp. 2d 508, 544 (S.D.N.Y. 2013).

[7] 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.

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, and that is why this is an appropriations matter. 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 that agencies are required to complete, 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.

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.

[This statement was submitted by Kel McClanahan, Executive Director.]

PREPARED STATEMENT OF NATURAL SCIENCE COLLECTIONS ALLIANCE

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2025 appropriations for the National Science Foundation (NSF). We encourage Congress to provide the NSF with at least $11.9 billion in FY 2025.

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, and the collections professionals and scientists who make, care for, and study these resources, are an important component of our Nation's research infrastructure. These collections and their associated experts 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 specimens, samples, and data (e.g. 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 and productivity. Current research involving natural science collections also contributes to the development of new cyberinfrastructure, data visualization tools, and improved data management practices. This work also ensures critical input into policy development and implementation by several U.S. government 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 disease vectors such as these 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. 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.

—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.

—When the 2001 anthrax attacks happened in the United States, specimens collected decades earlier allowed researchers from the Centers for Disease Control and Prevention to quickly identify the strain involved.

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 and curated more than one billion specimens within those collections, many of which have now been digitized with continued funding from NSF and the resulting data stored in easily accessible online databases that contribute heavily to research.

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.

According to the U.S. Interagency Working Group on Scientific Collections (IWGSC), "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise." A 2020 report by the IWGSC presented a framework for estimating and documenting the long-term benefits, both monetary and non-monetary, generated by Federal institutional collections. More recently, a 2023 report from the IWGSC enumerated the many ways Federal scientific collections have served the Nation in diverse areas, including with the COVID–19 response and improving national health, climate change research and mitigation, ensuring the Nation's food security, as well as environmental health and safety.

Additional recent reports have highlighted the value of mobilizing biodiversity specimens and data in spurring new scientific discoveries. In 2019, the Biodiversity Collections Network issued a community-informed call for the development of an Extended Specimen Network. 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. 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 another research center.

A 2020 report by the National Academies, "*Biological Collections: Ensuring Critical Research and Education for the 21st Century*," argued that collections are a critical part of our Nation's science and innovation infrastructure and a fundamental resource for understanding the natural world. The report's recommendations for establishing an action center for biological collections and requiring specimen management plans for research proposals generating new specimens underscore the importance of biodiversity specimen collections and have been supported by the CHIPS and Science Act. A recently published white paper, "*Envisioning a Natural History Collections Action Center*," summarizes the features and functions of an action center and underscores the essential role that collections play in medical science, human health, food security, pathogen-borne disease, biosecurity, a strong bioeconomy, mitigating the effects of climate change, and conserving ecological services for human use and subsistence. Such a center will provide leadership, support, and coordination for federal, non-federal, and private collections and enable transformative research to address grand societal challenges.

All of the above reports articulate a common vision for the future of biological collections and emphasize the need to broaden and deepen these collections and associated data to realize their potential to inform 21st century science. Because NSF is the only agency that supports research in all fields of science, it is ideally suited to lead a national effort to establish the action center and build the Extended Specimen Network, which will require the engagement of computer and information scientists, geoscientists, life and environmental scientists, and anthropologists.

Collections are a critical resource for advancing the knowledge needed to address current global challenges such as climate change, biodiversity loss, and pandemics.

The COVID–19 crisis has illustrated how inextricably linked humans are to nature. Biological collections, their extended data, and the experts who build and study them are globally important for understanding where viruses such as SARS–CoV–2 exist and when they cross from their current hosts to humans.

The United Nation's Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services has warned that about one 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 diversity that has implications for human health and well-being. Robust investments must be made to support efforts to grow and digitize natural history collections and conduct critical collections-based science that can help prevent this loss.

The NSF plays a unique role in protecting and expanding access to our Nation's scientific collections. It supports research that uses existing collections as well as studies that gather new natural history specimens. NSF's Directorates for Biological Sciences, Geosciences, and Social, Behavioral and Economic Sciences support research and student training opportunities in natural history collections. NSF is also an important supporter of national research infrastructure that houses natural history collections, such as living stock collections and field stations.

The NSF funds evolving 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. Nearly 140 million specimens are now online, with millions more awaiting digitization. Many of these specimen records also include high quality images of the specimens that facilitate high quality, detailed analyses. This project involves biologists, computer scientists, and engineers in multi-disciplinary teams who develop innovative imaging, robotics, and data storage and retrieval methods. Resulting new tools and approaches expedite the digitization process and contribute to the development of new products and services of value to other industries. Museum specimens and associated data also represent an extraordinary resource for teaching core concepts in science.

An example is the multi-institutional openVertebrate (oVert) project, which creates high-resolution 3D anatomical data for scientific specimens of amphibians, reptiles, fishes, mammals, and birds held in U.S. museums. Through its NSF-supported partner MorphoSource, an open-access online repository, these data have been downloaded more than 100,000 times and viewed over 1 million times by faculty, veterinarians, exhibit designers, K12 teachers, and artists resulting in more than 200 scientific publications. In addition, more than 2,000 undergraduate students have learned from these data and visualizations while studying zoology, veterinary science, art, and design.

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 NSF 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. 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.

We were encouraged by the passage of the CHIPS and Science Act, which recognized biological collections as a research priority and authorized critical increases in NSF's budget. However, we were disappointed by NSF's FY 2024 appropriation, which was 8% below its FY 2023 budget. This cut ignores the CHIPS and Science Act, which demonstrated bipartisan commitment to our Nation's scientific and technological enterprise. We urge Congress to follow through on the promise of this historic law by funding NSF as close as possible to the authorized levels.

Please support funding of at least $11.9 billion for NSF in FY 2025. This aligns with the FY 2023 authorization for NSF in the CHIPs and Science Act. Thank you for your thoughtful consideration of this request.

[This statement was submitted by Gil Nelson, Ph.D., President.]

PREPARED STATEMENT OF THE NATURE CONSERVANCY

Chair Shaheen, Ranking Member Moran and members of the subcommittee, thank you for the opportunity to comment on the fiscal year 2025 (FY25) appropriations for the National Oceanic and Atmospheric Administration (NOAA). The Nature Conservancy (TNC) is a nonprofit working around the world to conserve the lands and waters on which all life depends. TNC appreciates Congress's work to pass the bipartisan Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA). Those bills' investments complement but do not supplant the need for ongoing program funding through the appropriations process. The subcommittee acknowledged that when it rejected proposed funding cuts and provided moderate but necessary program increases for NOAA in the FY24 omnibus spending bill.

Unfortunately, the FY25 NOAA budget request includes many additional proposed cuts, mainly for grant funding. This funding supports many state, territory, Tribal, university, industry and non-governmental organization partnerships with NOAA to collaboratively deliver necessary programs and services. Many of these partnerships are ongoing efforts such as the State and territory cooperative agreements to manage coral reefs. Others fill critical gaps in the agency's science capacity, such as the fisheries cooperative research with industry that helps address the shortfall in NOAA's fishery survey vessels' available days at sea. These efforts are not new projects that could be deferred. The proposed cuts to these programs would undermine ongoing science and management efforts at the core of our coastal economies. Each year, ocean and coastal economies contribute $304 billion to the Nation's GDP and support 3.3 million jobs, some of these jobs are directly funded by the programs proposed for funding decreases or termination.

NOAA's funding helps catalyze local and regional action to reduce risk and save money based on tangible economic and societal benefits of natural resources. We recognize the significant fiscal constraints under which the Committee is operating. Our requests below were developed with this in mind and represent prudent investments in our communities.

NATIONAL OCEAN SERVICE

Title IX Fund—National Coastal Resilience Fund Grants.—We urge Congress to reject the Administration's proposal to terminate this funding and provide no less than $34 million. This would restore the $2 million cut made in FY24 appropriations. We appreciate that this cut was made in a constrained fiscal environment and the program received supplemental funding from Congress in IIJA. However, demand for this funding far exceeds available funding at a time when the country is facing an increase in billion-dollar, climate-related disasters. The 2022 combined competition generated requests for five times greater than the available funding. Reducing this funding would leave communities vulnerable to flooding and other disasters. The National Coastal Resilience Fund provides the resources and tools to help reduce the need for costly Federal disaster assistance later while also sustaining healthy fisheries, maintaining robust tourism and supporting other coastal industries.

Coral Reef Conservation Program.—We urge Congress to reject the proposed $14 million decrease to the program and support no less than $34.5 million, a modest increase over the FY24 enacted level. Congress recognized the need for increased capacity by the States and territories to address ongoing decline in coral reefs when it provided for an increased authorization of appropriations in the recently passed Restoring Resilient Reefs Act. The proposed cut would eliminate the longstanding cooperative agreements with the States and territories that enable the partnership approach to coral reef conservation and management, including the new requirements enacted by Congress. Additionally, NOAA has recently announced that we are experiencing a global coral bleaching event and the proposed decrease would cut the National coral reef monitoring program in half just when we need it the most. This will help NOAA, States and territories, as well as community, research and non-governmental partners, address the continued decline of coral reefs. Cuts to this program would undermine these critical efforts.

National Estuarine Research Reserve System (NERRS).—TNC supports no less than $35.3 million, a small increase over previously enacted level. NERRS partners with States and territories to ensure long-term education, stewardship and research on estuarine habitats. This funding would maintain the capacity of NERRS to conduct research and monitoring, and incorporate this research into training and tech-

nical assistance for local communities. It is important to not erode base funds for the existing reserves in order to fund the launch of the new Louisiana, Wisconsin and the U.S. Virgin Islands reserves.

Sanctuaries and Marine Protected Areas.—TNC supports no less than $68 million, restoring the small cut enacted in FY24. We urge Congress to continue the funding necessary to support not only the current sanctuaries but also the community-led nominations for new sanctuaries that are being considered for designation through inclusive public processes. National marine sanctuaries support economic growth and hundreds of coastal businesses in sanctuary communities, preserve vibrant underwater and maritime treasures and provide critical public access for more than 42 million visitors annually.

Coastal Zone Management and Services.—TNC supports funding of no less than the FY24 enacted level of $51.22 million. This level of funding will provide for continued capacity to provide coastal resilience technical assistance to communities across the country, including additional emphasis on under-resourced and underserved communities. Continued funding for the Digital Coast Partnership, at no less than the $3.5 million previously enacted, will support new and improved products, services and technical assistance to communities. Part of this effort will also support the development of the next generation of coastal managers through the Coastal Management and Digital Coast Fellows. Providing competitive salaries and expanded recruitment efforts will enhance the ability to reach underrepresented communities.

Coastal Management Grants.—TNC supports funding of no less than the FY24 enacted level of $81.5 million for coastal zone management grants. TNC collaborates with State and territorial coastal programs around the country to meet multiple goals for coastal communities, including economic development, enhancement of public access and recreation, coastal resilience and conservation of coastal resources. IIJA provided temporary funding to support State and territorial coastal zone management projects. Continued funding for core grants is necessary to address the full suite of activities in the approved coastal programs and not reduce this critical state capacity.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

Fisheries Management Programs and Services.—TNC urges Congress to reject NOAA's proposed cuts within this budget line and provide no less than $154.487 million, a modest increase above the FY24 enacted level. With a $214 billion fisheries and seafood sector, U.S. fishing communities rely on information from NOAA to make the most informed decisions on where, how and when to fish. Support for these efforts is necessary to recover overfished fish stocks so they can provide food and jobs. Due to fiscal constraints, the agency has unfortunately proposed offsetting an $2.812 million increase for management analyses and assessments needed to support critical offshore wind deployments with cuts of $2.875 million in bycatch engineering and reduction efforts and $1.850 million to electronic monitoring and reporting efforts supported by Congress in prior bills. We strongly support the agency's investment in offshore wind, but it must not come at the expense of necessary ongoing management efforts needed for sustainable fisheries.

Fisheries Data Collections, Surveys and Assessments.—TNC urges Congress to reject NOAA's proposed cuts within this budget line and provide no less than $215.841 million, a modest increase above the FY24 enacted level. NOAA has reported to Congress and the Regional Fishery Management Councils on the shortfall of available days at sea to conduct surveys and support stock assessments. NOAA has also reported on the need to conduct scientific survey mitigation efforts to support the necessary deployment of critical offshore wind installations. Unfortunately, due to fiscal constraints, the agency has proposed to offset the offshore wind survey mitigation by decreasing cooperative research with industry. These ongoing efforts to collect fishery-dependent data were initiated to fill some of the existing survey gaps and the proposed $9.831million cut would undermine the effectiveness of fisheries management and erode community support for necessary conservation measures. The other offset proposed by the agency would eliminate $1.2 million in ongoing efforts related to electronic monitoring and reporting that has been supported by Congress in prior appropriations. We strongly support the agency's proposed increase of $9.99 million for offshore wind scientific mitigation surveys, but it must not replace equally critical science to support fisheries.

Habitat Conservation and Restoration.—TNC urges Congress to reject the agency's proposed reduction of funding of $7.0 million and provide no less than $56.684 million. While habitat restoration activities did receive a temporary increase through IIJA, demand for this funding far exceeds even this increased amount. The

second round of competitive transformational habitat grants received proposals asking for more than 10 times the available funding. These supplemental funds cover projects, but base program funding is necessary to support the timely implementation of those awards and the other critical core functions of the program including consultations under the Magnuson-Stevens Act and National Environmental Policy Act. This funding is also a reinvestment in our coastal economies as on average every $1 million invested in coastal restoration projects results in 15 jobs. For more complex projects that increases to 30 jobs.

Fisheries and Ecosystem Science Programs and Services.—TNC supports no less than $170.648 million, consistent with the FY25 NOAA request. There is a high correlation between good information about the status of a fish stock and the effectiveness of management for sustainable and profitable fisheries. Outdated data systems are slow, expensive and prone to errors and gaps. Congress has recognized the need for NOAA to modernize its fisheries data management systems and has required the agency to develop a national strategic plan to advance these efforts in previous bills. This work will enable more complex and complete analyses for fisheries management and its intersection with increased efforts to deploy needed offshore wind energy. The NOAA FY25 request provides a modest increase to address funding shortfalls needed to support this work.

Observers and Training.—We recommend supporting funding for Observers and Training at no less than $59.067 million, consistent with FY25 requested level. We recommend that within this amount you ensure coverage of industry and agency costs for 100% at-sea monitoring in the New England multispecies fishery. We appreciate Congress' continued support of this funding, however, recent report language that set aside $5.5 million to cover industry costs has led to the unanticipated situation where there was a surplus of funds to cover the industry costs but insufficient funds to cover agency implementation at the 100% monitoring rate. We request you include report language that makes clear that any funding available after industry costs are covered can be used for agency implementation to get to that 100% coverage rate.

Marine Mammals, Sea Turtles, and Other Species.—TNC urges Congress to reject NOAA's proposed cuts within this budget line and provide no less than $182.654 million. NOAA has reported to Congress on the need for increased funding for reviews and assessments related to marine mammals to support the deployment of offshore wind efforts. We support the agency's proposal to increase funding by $5.545 million for this purpose, however, we do not support the proposed offsets within this budget line. We ask you to reject the proposal to eliminate the $4.5 million for Prescott marine mammal stranding grants at a time when we are seeing multiple strandings and entanglements. We ask you also to reject cutting $2.69 million for ongoing efforts that aim to avoid harmful interactions and support rebuilding depleted marine mammal populations.

Pacific Coastal Salmon Recovery Fund (PCSRF).—TNC supports no less than the FY24 enacted level of $65 million. PCSRF has funded hundreds of successful on-the-ground salmon conservation efforts, but habitat project needs exceed available funding. PCSRF has catalyzed thousands of partnerships among federal, State, local and Tribal governments as well as conservation, business, and community organizations.

Thank you for this opportunity to share TNC's priorities. Please contact me if you have questions or would like additional information.

[This statement was submitted by Stephanie Bailenson, U.S. Federal Water Policy Team Lead.]

PREPARED STATEMENT OF NEW ENGLAND INNOCENCE PROJECT

Thank you, Chair Shaheen, Ranking Member Moran, and members of the subcommittee. My name is Stephanie Roberts Hartung, and I serve as a Senior Staff Attorney at the New England Innocence Project (NEIP). Prior to joining NEIP's staff in 2022, I was a law professor in Boston for 19 years, studying the causes of wrongful convictions and the procedural barriers that make remedying them so challenging. On behalf of NEIP and as a member of the Innocence Network, a coalition of more than 70 local innocence organizations that work 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 FY24. Thank you also for allowing me to submit written testimony for the record as you consider appropriations requests for FY25. I urge you to please increase funding for the following programs at the Bureau of Justice Assistance at the Department of Justice and at the National Institute of Standards and Technology at the Department of Commerce, including:

—$15 million for the Wrongful Conviction Review Program at the Department of Justice's (DOJ) Bureau of Justice Assistance (BJA) (*the Wrongful Conviction Review Program is part of the Capital Litigation Improvement Program*)
—$15 million for the Kirk Bloodsworth Post-Conviction DNA Testing Program at DOJ/BJA
—$25 million for the Department of Commerce's National Institute of Standards and Technology (NIST) to support and conduct foundational forensic science research, including $2 million for technical merit evaluations.

The innocence programs at DOJ and forensic science programs at NIST increase the fairness and accuracy of the criminal legal system; highlight racial disparities and inequities; provide the strongest possible forensic science tools to legal system stakeholders; and generate greater public safety for our Nation.

Data from the National Registry of Exonerations 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 receiving funding in 2008 and 2009, respectively. This dramatic increase is in part a result of the Federal decision to support these programs to help ensure the accuracy and integrity of the criminal legal system.

2023 set the record for the highest number of years individuals lost to being wrongfully convicted—an average of 14.6 years per exoneree. Almost 32,000 life years have been lost to wrongful incarceration. The National Registry of Exonerations currently lists more than 3,500 exonerations since 1989. More than half of the people exonerated are Black, and innocent Black people spend approximately 45% longer wrongfully imprisoned than innocent white people. This racial disparity holds true across different types of convictions.

The New England Innocence Project (NEIP), headquartered in and serving Massachusetts, is the only innocence organization serving Vermont, Maine, Rhode Island, and New Hampshire. Federal DOJ innocence grant funds have helped expand its reach into States that have had insufficient resources to meet their needs. In fact, as a direct result of a grant supported by FY21 funding, NEIP has begun litigating its first case in New Hampshire, a State that has not experienced robust post-conviction litigation to date. This grant funding has been extended through June of 2024 and has provided critical support for ongoing litigation efforts, most recently with the State's Attorney agreeing to post-conviction DNA testing last month, on the eve of a scheduled week-long evidentiary hearing with multiple defense experts. With the support of Federal funds, NEIP has provided direct representation and/or support that has resulted in 18 exonerations over the past 18 years. Five recently released exonerees collectively spent almost 200 years in prison. Additionally, NEIP has: (1) been able to provide more significant support to exonerees upon their release from prison through our Exoneree Network, a reentry support project lead and run by exonerees, including establishing a new peer-to-peer mentor program and providing housing upon release; (2) conducted numerous trainings and presentations throughout New England for prosecutors, defense attorneys, law enforcement, judges, and the public to raise awareness and prevent causes of wrongful conviction; and (3) expanded our staff to include a social worker to support exonerees upon reentry and an attorney to work on pre-trial issues that will prevent wrongful convictions from occurring.

Cases without DNA evidence are difficult and often take many years to complete. It is a long, arduous, and resource intensive process to prove an individual's innocence after he/she has been wrongfully convicted. An average case at NEIP requires significant work and thousands of hours and dollars to adequately investigate and litigate. During this time period in which innocent people are languishing behind bars, they are losing precious time with their families and communities that can never be recovered, and also costing the state tens of thousands of dollars per year for each person who is wrongfully convicted and incarcerated.

Freeing innocent individuals and preventing wrongful convictions also highlights the ways that the criminal legal system fails to provide 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 375 DNA exoneration cases. Unfortunately, many of these individuals went on to commit additional crimes while an innocent person was convicted and incarcerated.

The value of Federal innocence programs and forensic science research is not only for exonerated people, but for all stakeholders in the criminal legal system. Significant funding cuts and caps to non-defense discretionary programs ultimately would increase costs, compromise public safety, and undo efforts to improve system accuracy, equity, and accountability to all stakeholders. Deep cuts to innocence programs

and forensic science research would significantly reduce the identification, remediation, and prevention of wrongful convictions.

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 more than 3,500 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.

For example, in 2019, Darrell Jones, who was wrongfully convicted of murder and served 32 years, was freed as a result of the work of the Committee for Public Counsel Services Innocence Program. The Wrongful Conviction Review Program provided funding that enabled his team to hire an investigator who identified exculpatory witnesses as well as two forensic experts. In 2020, Arturo Jimenez, who was wrongfully convicted of murder and served 25 years, was freed because the Wrongful Conviction Review program funded an investigator who uncovered key evidence that helped the Northern California Innocence Project secure his exoneration.

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

In previous years, only a few local innocence organizations received Wrongful Conviction Review funding during each grant cycle. Even with the FY23 funding increase, there is still a need to expand this program further to resolve the long waiting lists of wrongfully convicted individuals—lists that are often hundreds of individuals long for just an individual local innocence organization. These cases require evaluation, investigation, and often representation, which helps to improve the fairness and reliability of the criminal legal system. We urge you to provide $15 million for the Wrongful Conviction Review Program in FY25. (Please note that the Wrongful Conviction Review grant program is a part of the Capital Litigation Improvement Program.)

I also urge you to include in the FY25 report for the Commerce, Justice, Science, and Related Agencies Appropriations bill the final FY24 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 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."* The Bloodsworth program is a powerful investment for States seeking to free innocent

individuals and identify the individuals who actually committed the crimes. The success of this program has been both generating individual exonerations while supporting broader system review and reforms when problems arise.

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 commit many additional violent offenses, most occurring while Mr. Haynesworth was wrongfully incarcerated. Given the importance of this program to both innocent individuals and public safety, I urge you to provide the $15 million to continue the work of the Bloodsworth Post-Conviction DNA Testing Program in FY25.

FORENSIC SCIENCE IMPROVEMENT

To continue the critical work to improve forensic science, and help prevent wrongful convictions, I urge you to provide $25 million for NIST to support foundational forensic science research, including $2 million to conduct technical merit evaluations.

As the Federal entity that is both perfectly positioned and institutionally constituted to conduct foundational forensic science research, 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. 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.

Additionally, some forensic science methods have not yet received an evaluation of their technical merit and NIST needs additional support to conduct these vital reviews. The forensic science activities and research at NIST will help to improve forensic disciplines and propel forensic science and the criminal legal system toward greater accuracy and reliability, and as a result, help prevent wrongful convictions and improve system equity.

CONCLUSION

Thank you for your leadership in the identification, correction, and prevention of wrongful convictions. If you have questions or need information, please contact Jenny Collier, Federal Policy Advisor to the Innocence Project, at jcollier@colliercollective.org.

PREPARED STATEMENT OF THE NEZ PERCE TRIBE

The Nez Perce Tribe (Tribe) appreciates the opportunity to provide written testimony to the Committee as it evaluates and prioritizes FY 2025 appropriations for the Department of Commerce and the Department of Justice. 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.

The Tribe is a Federally-recognized Indian Tribe with Treaty-reserved fishing, hunting, gathering, and pasturing rights in the Snake River and Columbia River basins. 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 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]

The Tribe desires 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 and conditions consistent with the Treaty, and to protect the long-term productivity of their natural resources.

[1] Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957. The Treaty with the Nez Perces, June 9, 1863, 14 Stat. 647, preserved the off-Reservation rights that the Tribe reserved in its 1855 Treaty.

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 10 acclimation sites in Idaho and Oregon. In addition, the DFRM manages Kooskia National Fish Hatchery and 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 across rivers, watersheds, and coastal habitats in western States. 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. Since 2000, this program has compelled effective, collaborative approaches to salmon recovery across federal, State, local, Tribal, and private sector partners. In Washington, Oregon, Alaska, Idaho, California, and Nevada, PCSRF investments have contributed to over 15,942 projects and have helped restore more than 12,043 miles of streams and over 1.2 million acres of fish habitat. An increased Federal investment of $70 million in FY 2025 is crucial to maintain this progress and to achieve the goal of full recovery and a healthy, sustainable Pacific salmon fishery.

PCSRF has been used by the Tribe to restore coho (silver) salmon to the Tribe's Reservation in the Clearwater River, 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 was 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.

In 2017, the Tribe worked with the 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 operation of these hatchery supplementation efforts through PCSRF funding 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 increase of $10 million over FY 2024 for FY 2025, as recommended in the Administration's budget request for Salmon Management Activities, is justifiable. The Mitchell Act allows Federal agencies to work with Oregon, Washington, Idaho, and the lower Columbia River Treaty Tribes to operate and maintain a series of fish hatcheries and passage facilities focused on improving declining and imperiled salmon and steelhead runs in the Columbia Basin, ensuring conservation of these critical natural resources, maintaining economically viable Tribal, commercial, and recreational fisheries, and providing prey for endangered Federal and State listed Southern Resident orcas.

The Mitchell Act currently funds 60 programs that produce approximately 40 million fish annually, nearly 30 percent of the total salmon and steelhead production in the Columbia River Basin. The proposed FY 2025 increase is necessary to make

[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.

up for over a decade of flat funding during a high inflationary period. As a result of this flat funding, the region's hatcheries have accrued a significant deferred maintenance problem. To address this and restore functionality, we are requesting an additional $220 million to address deferred maintenance. Without full funding of the Operations and Maintenance budget, hatcheries in the Pacific Northwest will begin closing and this mitigation obligation will go unmet. We also suggest a five percent limit on administrative costs from this line item.

In addition, the Pacific Salmon Treaty is critical to meeting the provisions of the Federal Endangered Species Act, addressing Tribal fishing rights, and maintaining sustainable U.S. fisheries. This Treaty, signed by United States and Canada in 1985, provides a framework for the two countries to cooperate on the management of Pacific salmon. The Tribe supports $43.5 million for implementation of the Pacific Salmon Treaty.

The importance of this funding cannot be overstated as the comprehensive, geographic nature of its application in the Pacific Northwest provides 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.

The Tribe recommends that pacific salmon in the National Marine Fisheries Service be funded at $96 million, with no less than $5 million for a new line item for pinniped removal. Congress amended the Marine Mammal Protection Act to provide States and Tribes more flexibility to control pinnipeds like/including sea lions that are having a significant negative impact on ESA-listed salmon, steelhead, and sturgeon in the Columbia Basin. Federal funding is needed to augment State and Tribal funds to fully implement the program and reduce predation on ESA-listed species. This program also funds salmon and steelhead hatcheries and habitat restoration in the Columbia Basin.

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 systems 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 2025, given spending constraints.

The Tribe recommends full funding for programs authorized under the Tribal Law and Order Act. The Tribe also recommends either continuation of funding for "assistance to Indian Tribes" at the level of $50 million that was enacted in FY 2024 under the State and Local Law Enforcement Assistance account in the Office of Justice Programs (OJP), 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 2025, 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 continuation of bill language contained in Section 510 of the FY 2024 Consolidated Appropriations Act that provided five percent from the Crime Victims Fund for grants to Indian Tribes through the Office for Victims of Crime to improve services for Native American victims of crime.

Finally, the Tribe urges this Committee to fund the Tribal Resources Grant Program under the Office of Community Oriented Policing Services programs at $37 million and to maintain a level of $6 million for the Tribal Access Program. Both amounts are proposed in the Administration's FY 2025 budget request.

PREPARED STATEMENT OF NORTHWEST INDIAN FISHERIES COMMISSION

Chair Shaheen, Ranking Member Moran and Honorable Members of the subcommittee, my name is Ed Johnstone, and I am the Chair of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is composed of the 20 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 resource and fishery management program funding requests for the National Oceanic & Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) Fiscal Year 2025 (FY25) 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 harvest rights. Given the onslaught of pressures we face, it is now more important than ever for the Federal trustee to support management, supplementation, and restoration of fisheries—vital to the Tribes physical, cultural, and economic wellbeing, as well as an important link in our Nation's food supply chain.

SUMMARY OF FY25 APPROPRIATIONS REQUESTS

—$70.0 million for NOAA Pacific Coastal Salmon Recovery Fund
—$7.0 million for NOAA Hatchery and Genetic Management Plans
—$43.5 million for NOAA Pacific Salmon Treaty
—$33.5 million for NOAA Mitchell Act Hatchery Programs

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 the foundation of Tribal cultures, traditions, and economies in western Washington. To ensure that Tribal treaty rights and lifeways are protected, 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 and Genetic Management Plans) and habitat protection and restoration (e.g., Pacific Coastal Salmon Recovery Fund).

JUSTIFICATION OF REQUESTS

Provide, at a minimum, $70.0 million for NOAA Pacific Coastal Salmon Recovery Fund (PCSRF) and preferably restore funding to FY02 levels ($110.0 million)

We respectfully request, at a minimum, $70.0 million for PCSRF, which is an increase of $5.0 million over the FY24 enacted level of $65.0 million. 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 appropriations were maintained upwards of $80.0 million through FY11. We would like to see PCSRF funding fully restored to FY02 levels. This level of funding would help carry out the original congressional intent of these funds to support the Federal Government's obligations to salmon recovery and the treaty fishing rights of the Tribes. However, we understand that budget restrictions may require Congress to take a more incremental approach toward this end goal.

The PCSRF is a multi-State, multi-Tribe program established by Congress in FY00 with a primary goal to help recover dwindling salmon populations throughout the Pacific coast region. Through PCSRF, Tribes work collaboratively to help protect and restore salmon habitat 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 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. The program has restored and created 1.2 million acres of salmon habitat and has made over 11,800 stream miles accessible to salmon and steelhead in our region.

Provide $7.0 million for NOAA Hatchery and Genetic Management Plans (within NOAA—Pacific Salmon)

We respectfully request $7.0 million to support review, approval and implementation of Hatchery and Genetic Management Plans (HGMPs). We also respectfully request report language to ensure that this funding is set-aside within the Pacific Salmon account and that a portion of it continues to pass through to Tribes to develop—and importantly—implement approved HGMPs. We recommend that the overarching Pacific Salmon subactivity be funded at $91.0 million to accommodate this request, ensure maintenance of existing programs and support agency requests.

This recommendation for the Pacific Salmon subactivity is $16.0 million above the FY24 enacted level of $75.0 million.

Review and approval of HGMPs is necessary to provide hatcheries with Endangered Species Act (ESA) coverage and implementation of the plans is necessary to accomplish their conservation goals. NMFS uses the information provided by HGMPs to evaluate the impacts of State and tribally operated hatcheries on salmon and steelhead listed under the ESA and recommends improvements to operations to meet conservation objectives. 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.

Implementing the activities described in the HGMPs includes biological monitoring and evaluation of hatchery programs. Monitoring and evaluation assess whether the goals of the program are being met and ensures the compatibility of the program with regional and co-management salmon recovery plans. These monitoring and evaluation programs generally involve various methodologies to monitor the juvenile fish released by the hatchery, sample the returning adult fish, and evaluate the interactions of hatchery and wild fish.

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, it is essential that HGMP funding is increased to address these rising costs and that flexibility is provided to ensure that funding can be used by the Tribes to implement the plans' recommendations, which federal, State and Tribal governments have extensively invested in.

Provide $43.5 million to implement the National commitments in the Pacific Salmon Treaty agreements (within NOAA—Salmon Management Activities)

We support the Pacific Salmon Commission (PSC) U.S. Section's FY25 request of $43.5 million for the Pacific Salmon Treaty line within Salmon Management Activities, which is an increase of $2.5 million over the FY24 enacted level of $41.0 million.

The FY25 request would support implementation of the National commitments in the renegotiated Pacific Salmon Treaty (PST) Annex Chapters. Funding will also decrease the litigation risk to Federal Biological Opinions that provide coverage for our fisheries under the Endangered Species Act (a lawsuit regarding the National Marine Fisheries Service Biological Opinion for Southeast Alaska has been filed in Federal court).

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 10 years, and as such include commitments from the U.S. to improve current management strategies.

Provide $33.5 million for NOAA Mitchell Act Hatchery Programs (within NOAA—Salmon Management Activities)

We respectfully request $33.5 million for the Mitchell Act Hatchery Programs consistent with the FY25 President's Budget Request, which is an increase of $10.0 million over the FY24 enacted level of $23.5 million. The request for this additional increase in Mitchell Act funds is needed 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 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 around 42 million juvenile salmon and steelhead in Oregon and Washington. This represents about 30 percent of the total hatchery salmon and steelhead released in the Columbia River Basin. Adequate funding for Mitchell Act hatcheries is of par-

ticular 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 and Tribal fisheries under the terms of the PST.

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 fulfilling its trust responsibilities. An important component of these obligations is to fully fund the 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 ecosystems and economies for both Indian and non-Indian communities alike. Thank you.

[This statement was submitted by Ed Johnstone, Chairman.]

PREPARED STATEMENT OF OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

Chair Shaheen, Ranking Member Moran, and members of the subcommittee, my name is Derrell Frazier. I am a child of an incarcerated parent and in my professional position I serve as a Next100 policy entrepreneur at The Century Foundation.

Decades of research have shown that incarcerating parents creates poor outcomes for children, with negative impacts spanning social and emotional development, health, education, changing caregivers, involvement in the foster care system, financial hardship, and housing instability. Yet more than 2.7 million children in the United States have an incarcerated parent. Fortunately, there are now successful, evidence-based alternatives to incarcerating parents, which provide children with greater stability and sense of belonging, ensure family success, reduce crime, and improve community health.

To accomplish this goal, Advocates of carceral reform seek $10 million for family-based alternative sentencing, currently funded through the Byrne Grant Program at the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice. Continued and expanded funding will enable State, local, and community agencies to replicate successful parenting sentencing alternative programs.

Children of incarcerated parents represent one of the most vulnerable and marginalized demographics in our society. The trauma and stigma associated with parental incarceration can have profound and lasting impacts on their emotional, psychological, and academic well-being. Studies consistently demonstrate the increased likelihood of these children experiencing adverse outcomes, such as poor educational attainment, involvement in criminal activities, and intergenerational cycles of incarceration.

The U.S. Dream Academy exemplifies the kind of values that should be the governing policy on the issue. The transformative power of intervention and support for children of incarcerated parents. By offering a safe and nurturing environment, mentorship, educational enrichment, and emotional guidance, organizations like the U.S. Dream Academy play a pivotal role in breaking the cycle of incarceration and empowering these children to realize their full potential. However, the scope and reach of such initiatives are often constrained by limited resources and funding. I have personally been impacted by the benefit of the services the U.S. Dream Academy offers as a child of an incarcerated parent. The U.S. Dream provided me with a safe space where i could naturally be myself and develop as a young person interested in education, the arts and social-emotional development.

It is currently time to end unnecessary family separations by the criminal justice system. The United States incarcerates the parents of 2.7 million children at this very moment. Over 10 million children and adult children have experienced parental incarceration in their lifetime. We know the following to be true:

—Incarcerating parents creates poor outcomes for children and communities.
—Parental incarceration disproportionately affects marginalized populations: Black children are seven times, and Latino/a children are two times, more likely to have a parent in prison than white youth.

—Incarceration of parents creates substantial drops in income for families, increases anxiety, mental health difficulties, and reduces educational achievement.

It is imperative to recognize the efficacy and importance of family-based alternative Sentencing programs in addressing the needs of children with incarcerated parents. Therefore, I propose that the subcommittee increase the allocation to $10 million to sustain and expand these initiatives under the Byrne Grant Program administered by the OJJDP. This funding would enable State, local, and community agencies to replicate and scale successful parenting sentencing alternative programs, thereby extending support to a larger number of families in need.

Fortunately, we already know that programs like this one contribute significantly to ameliorating the problem. California, Illinois, Massachusetts, Tennessee, Oregon, and Washington have created successful programs that divert parents from receiving sentences. These programs provide eligible parents with community custody, including extensive programming and treatment, by providing stability to children, ensure family success, reduce crime, and increase community vibrancy. Washington State's program has a 71-percent successful completion rate. Only 8 percent of participants who successfully complete the program return to prison, compared to 30 percent for the overall offender population.

By expanding access to supportive services and resources, we can break the cycle of intergenerational incarceration, promote positive outcomes for vulnerable youth, and build stronger, more resilient communities. As a beneficiary of the U.S. Dream Academy, I urge policymakers and stakeholders to prioritize the needs of these children and families by endorsing this proposal and ensuring the continuation of vital funding support.

I want to thank the subcommittee for its past funding of family-based alternative sentencing programs. With the increase of interest from States, the time is ripe for Congress to offer guidance and support to States currently offering parental sentencing alternatives, as well as to invite States interested in offering new parental diversion programs to participate. We urge the subcommittee to support $10 million in funding for the program to help families stay together and ultimately to assist communities, children of incarcerated parents, and their families to have better, more successful outcomes Thank you also for your time and consideration of my testimony, and please do not hesitate to contact me at frazier@thenext100.org if you have questions or need additional information.

PREPARED STATEMENT OF PACIFIC SALMON COMMISSION

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 Olympic Peninsula of Washington State. The U.S. Section prepares annual budgets for the implementation of the Pacific Salmon Treaty. The implementation of the Treaty is funded through the Departments of Commerce, Interior and State. Our US Delegation urges the following continued support:

> 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 2019. Funding in the Department of Commerce budget is for the programs to fulfill national commitments created by the revised Treaty Annex Chapters. The U.S. Section recommends FY 2025 funding of $43,500,000 to implement national commitments created by the Treaty. This represents no change from the FY 2024 request.

The Department of Commerce principally funds programs conducted by the States of Washington, Oregon, Idaho and Alaska and the NMFS. However, the cost of programs conducted by the States to fulfill national commitments created by the Treaty continue to be substantially greater than the funding provided in the NMFS budget. 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.

Recent increases in funding are greatly appreciated, however current funding still falls short of what the U.S. Section estimates is needed to fully implement the revised Annex Chapters to the 1985 U.S./Canada Pacific Salmon Treaty.

The U.S. Section recommends that the Pacific Salmon Treaty line item in the Salmon Management Activities section of the NMFS budget be funded at $43,500,000 for FY 2025. This line item includes $21,400,000 to provide base support for the States of Alaska, Washington, Oregon, and Idaho. NMFS activities to implement the Treaty's conservation and allocation provisions for Coho, Sockeye, Chinook, Chum, and Pink salmon fisheries is funded through overhead fees. 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 $3,060,000 for hatchery conservation programs and $5,650,000 for habitat restoration for Puget Sound critical stocks, $750,000 for Southeast Alaska Chinook Salmon Fishery Mitigation, and $3,946,000 to increase prey availability for Southern Resident Killer Whales. The recommended funding includes $6,370,000 for sound science initiatives to fill key science gaps and improve fishery management effectiveness. The recommended funding helps meet requirements of the biological opinion for species listed as endangered or threatened under the Endangered Species Act.

The sound science funding includes recommends restoring the funding for the Chinook Salmon Agreement line item in Salmon Management Activities to $1,800,000. 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 is funded at $475,000 and provides the U.S. contribution to bilateral cooperative salmon enhancement on the transboundary river systems, which originate 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 $475,000 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 NMFS 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.

Prior to FY 2020, 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 international 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 increases for the last several Federal fiscal years to implement the revised Annex Chapters were 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 10 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 represented the combined efforts of the participants to ensure healthy salmon populations. The current Annex Chapters require commitments to increase efforts to improve upon current management strategies for numerous salmon populations. The United States and Canada are entering negotiations to revise the Annex Chapters to the Pacific Salmon Treaty with the intent of continuing to provide for fishing opportunities on healthy salmon populations, while conserving underescaped populations, in the face of challenges in a changing environment.

Finally, it is important to consider 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 U.S. Section estimates these fisheries support 26,700 full-time equivalent jobs and generate $3.4 billion in economic value annually. 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 American Indian and Alaska Native peoples. 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, the U.S. Section will continue to utilize the Pacific Salmon Commission process to develop recommendations that help with the development and implementation of solutions to minimizing impacts on listed stocks. We will 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 want 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.

PREPARED STATEMENT OF POPULATION ASSOCIATION OF AMERICA/ASSOCIATION OF POPULATION CENTERS

Thank you, Chair Shaheen and Ranking Member Moran and other distinguished members of the subcommittee, for this opportunity to express support for the Census Bureau, National Science Foundation (NSF), National Institute of Justice (NIJ), and Bureau of Justice Statistics (BJS). These agencies are important to the Population Association of America (PAA) 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 2025, we urge the subcommittee to recommend the following funding levels for these agencies: Census Bureau, $2 billion; NSF, $11.9 billion; NIJ, $60 million; and BJS, $75 million.

The PAA and APC are two affiliated organizations that together represent over 3,000 social and behavioral scientists and the over 40 population research centers that receive Federal funding and conduct research on the individual, societal, and environmental causes and consequences of population change. Population scientists, including demographers, economists, sociologists, epidemiologists, and statisticians, conduct scientific and applied research, analyze changing demographic and socioeconomic 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. They compete for funding from the NSF and NIJ and rely on data produced by the Nation's statistical agencies, including the Census Bureau and BJS, 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.

As you know, the U.S. Census Bureau received $1.382 billion in the final FY 2024 appropriations measure, an amount below both the agency's FY 2023 enacted level and the President's FY 2024 request. We are more than a third of the way through the lead up to the 2030 Census, which means funding should be trending upwards. Census stakeholders are concerned that the funding trajectory is moving in the wrong direction if we want to ensure an accurate, inclusive, cost-efficient 2030 Census.

PAA and APC urge the subcommittee to provide the Census Bureau with $2 billion in FY 2025 as recommended by The Census Project. In FY 2025, Congress has a unique opportunity to initiate multi-year funding for the Bureau, providing the agency with resources that it needs to not only sustain and strengthen its mission, but also to recover from years of postponed enhancements and pursue numerous necessary operational improvements. The ambitious FY 2025 funding recommendation that census stakeholders are supporting would enable the Bureau to purse ini-

tiatives not only in the President's budget, but also additional activities recommended by census stakeholders, including:

—*American Community Survey.*—The American Community Survey (ACS) represents one of the most significant innovations in the history of the Census Bureau. When launched in 2005 it replaced the once-a-decade decennial "long form" with an annual survey providing estimates for every community in the country every year on measures of ancestry, citizenship, educational attainment, income, language proficiency, migration, disability, employment, housing characteristics, and more. These data are extensively used by those in public, private, and not-for-profit sectors to allocate funding, measure shifting demographics, plan for local services, and to inform investments by businesses large and small. Sent to roughly 3.5 million addresses annually, it is the largest household survey that the Census Bureau administers.

Census stakeholders and data users believe the ACS needs an immediate infusion of substantial funding to pursue other long overdue enhancements to the survey. These enhancements include increasing the survey's sample size, improving its non-response follow up operations, addressing steadily declining response rates, revising content, and making other methodological and operational improvements. A 2022 independent report (revised and reissued in 2023 and 2024) from The Census Project urges an infusion of $100 to $300 million to protect the ACS from further data quality deficiencies and take up a long list of activities to ensure the survey is accurately capturing data about the Nation's increasingly complex population and households. PAA and APC support the report's recommendations and urge the Committee to provide the Bureau with additional funding to pursue necessary innovations to the survey's content, operations, and data products.

—*2030 Decennial Census Preparations.*—The President's Budget proposes $654 million, an increase of $29 million from FY 2023 enacted levels, to support 2030 Census preparations. FY 2025 is a pivotal year, marking the midpoint in the decade-long planning process for the 2030 Census. In FY 2025, the 2030 Census will complete its first major milestone, the selection of an operational design. Further, important progress must be made towards planning the 2026 Census Test. To ensure the 2030 Census is conducted in an inclusive, accurate, and cost-effective manner, the Census Bureau needs robust funding now. Funding shortfalls at this point in the last decade forced the Bureau to scale back strategic field tests-a decision that may have contributed to the less accurate counts of racial and ethnic populations, rural areas, and young children in the 2020 Census. Investing in the 2030 Census now will allow the Bureau to sustain essential capabilities and schedules and reduce the risk of requiring unplanned, additional funding in the peak planning years later in the decade. While the President's request proposes an increase to support 2030 preparations, our organizations urge the subcommittee to scrutinize the Bureau's recommendation to determine if the funding level is sufficient to fully support activities that the agency must pursue in FY 2025 to ensure the future success and cost-efficiency of the 2030 Census.

—*Prioritizing the Survey of Income and Program Participation (SIPP).*—Policymakers, particularly in this volatile economy, need high quality, accurate data to assess the impact of government assistance programs on families and communities. SIPP is designed to achieve that goal, yet its funding has fluctuated routinely. In 2023, the Census Bureau announced its intent to cut the SIPP sample size permanently by 34 percent, alarming data users and stakeholders alike who believed this action would degrade the reliability and utility of SIPP data and impede their ability to make meaningful comparisons between demographic or geographic subpopulations. Data users and stakeholders argued that the Bureau should reverse course by restoring the survey's sample size and tackling the other big challenge facing the survey: declining response rates. PAA and APC are pleased that the President's budget proposes additional funding to restore the SIPP sample size. We urge the subcommittee to ensure this funding emerges in the FY 2025 CJS bill and to provide additional funding to that would enable the Bureau to pursue other necessary innovations, such as improving the accuracy of month-by-month data and creating an Internet response option.

In sum, PAA and APC join other census stakeholders in urging the subcommittee to provide the Census Bureau with $2 billion in FY 2025 to not only fund initiatives outlined in the President's FY 2025 budget request, but also to support additional activities that would benefit the ACS, 2030 Census preparations, and SIPP.

NATIONAL SCIENCE FOUNDATION (NSF)

For over 75 years the mission of NSF has been to promote the progress of science; to advance the Nation's health, prosperity, and welfare; and to secure the National defense. NSF is the funding source for about 27 percent of all federally supported basic research conducted by America's colleges and universities, including basic behavioral and social research. The NSF Directorate of Social, Behavioral, and Economic (SBE) Sciences funds approximately 65 percent of basic, university-based social and behavioral sciences research in the Nation.

Understanding the implications of complex population dynamics is vital to the agency's mission, and in particular the SBE Directorate, which is the primary source of support for the population sciences within the NSF. Within its Research Infrastructure in the Social and Behavioral Science Program, the SBE Directorate funds critical large-scale longitudinal surveys, such as the Panel Study of Income Dynamics and General Social Survey, which inform pressing policy decisions and provide empirical evidence to help policymakers formulate effective decisions. The Directorate also participates in cross-cutting, interdisciplinary initiatives of interest to population scientists, such as the *Confronting Hazards, Impacts, and Risks for a Resilient Planet initiative and the Centers of Research Excellence in Science and Technology program.*

PAA and APC, as members of the Coalition for National Science Funding (CNSF), are concerned that the FY24 level of funding for NSF fell far below our Nation's competitiveness needs, leaving the agency to contend with an almost 8 percent cut in funding as compared to FY 2023. We urge the subcommittee to restore strong support for the agency and provide NSF with $11.9 billion in FY 2025. This amount, which is approximately $1.7 billion above the President's FY 2025 request, aligns with the FY 2024 authorization level mandated in the CHIPS and Science Act of 2022 (Public Law 117–167).

The overall funding level we are recommending will enable the NSF SBE Directorate to continue its support of social science surveys and a robust portfolio of population research projects. Increased funding in FY 2025 will also allow NSF to continue funding the most promising grant applications and reduce the number of high caliber proposals that are rejected solely for lack of sufficient funds.

BUREAU OF JUSTICE STATISTICS AND NATIONAL INSTITUTE OF JUSTICE

After years of declining budgets, PAA and APC are participating in the Friends of Justice Research and Statistics coalition to raise awareness about the Bureau of Justice Statistics (BJS) and National Institute of Justice (NIJ). Both agencies are important sources of data and funding for population scientists conducting research on topics such as prisoner reentry, the social and environmental dynamics of health and crime, and the effects of incarceration across the lifespan. The coalition's recommendations, which PAA and APC support, would provide BJS with $75 million and NIJ with $60 million in FY 2025.

Thank you for considering our requests and for supporting Federal programs that benefit the population sciences under the subcommittee's jurisdiction.

[This statement was submitted by Mary Jo H. Mitchell, Director, Government and Public Affairs.]

PREPARED STATEMENT OF JOHN SNOOK, CHIEF POLICY OFFICER MEADOWS MENTAL HEALTH POLICY INSTITUTE

Thank you, Chair Shaheen, Ranking Member Moran, and members of the subcommittee for this opportunity. My name is John Snook, and I am the Chief Policy Officer for the Meadows Mental Health Policy Institute. I am pleased to provide this testimony in support of robust funding for Law Enforcement De-Escalation Training Act activities within the Department of Justice's Community Oriented Policing Services (COPS) office and the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program.

Established in 2014, the independent, nonpartisan Meadows Mental Health Policy Institute works at the intersection of policy and programs to create equitable systemic changes so all people in Texas, the Nation, and the world can obtain the health care they need. With offices in Austin, Dallas, Houston, and San Antonio, and projects in every region of the State of Texas, the Institute has become Texas's most trusted source for results-oriented information and analysis of effective and efficient mental health policy and programs. The Meadows Institute's Center for Justice and Health specifically is focused on justice, safety, and wellbeing for people with complex behavioral health conditions. One of the Center's areas of focus is

transforming the culture of crisis response. This effort seeks to develop, deploy, evaluate and expand mental health emergency response to ensure that mental health crises can be safely and swiftly identified at the point of call, reducing the likelihood of arrest and incarceration.

Police are often on the front lines of behavioral health crises. Studies estimate that as many as seven to 10 percent of law enforcement encounters involve persons experiencing serious mental illnesses,[1] while officers spend one-fifth of their time responding to and transporting people with mental illness.[2] Too often, those encounters end in tragedy; people with mental illness are nearly 11 times more likely to be injured [3] and 16 times more likely to be killed in an encounter with law enforcement than other members of the general population.[4]

Navigating an encounter with a person experiencing a behavioral health crisis can be challenging, but there are solutions that can protect the safety of people in crisis, law enforcement officers, and bystanders. De-escalation tactics; alternatives to use of force; trainings on safely responding to mental, behavioral, and suicidal crises; and engaging people successfully prior to the point of crisis can fundamentally reshape crisis response and the ultimate outcomes.

The statutory definition of de-escalation comes directly from the National Consensus Policy and Discussion Paper on Use of Force,[5] which was developed by the FOP and IACP, and endorsed by nine other major law enforcement organizations. As the 988 Suicide and Crisis Lifeline approaches the 2-year mark since its nationwide launch, and communities across the Nation embrace new strategies to respond to mental health crises, it is more important than ever to ensure law enforcement has access to the training and resources they need when encountering persons experiencing mental illness and that those efforts are well coordinated with behavioral health agencies.

The Law Enforcement De-Escalation Training Act (Public Law 117–325) codified a collaborative approach to provide appropriate training for law enforcement personnel. Specifically, the act:

—Requires the Department of Justice, through the Community Oriented Policing Services (COPS) office, to collaborate with State and local law enforcement agencies, professional law enforcement organizations, law enforcement labor organizations, and mental health organizations in the local community develop or identify and distribute existing curricula

—Creates and authorizes funding for a new Law Enforcement Training Program for de-escalation training, including scenario-based exercises and evaluative assessments, through the Edward Byrne Memorial Justice Assistance Grant (JAG) program, and distributes funding to the States on a formula basis

—Requires the National Institute of Justice (NIJ) and the Government Accountability Office (GAO) to evaluate program implementation and impact, and identify possible improvements

The first phase of implementation following the bill's enactment in December 2022 has been focused on developing and identifying curricula. Beginning in FY2025, in addition to continuing to build the curricula, funding can be distributed to States through Byrne-JAG to begin the actual training of law enforcement personnel.

I respectfully request that the FY2025 bill include $10 million for COPS to continue to identify best practices in de-escalation training, develop appropriate training curricula, and to support nationwide train-the-trainer trainings; and $40 million for Byrne-JAG to implement the Law Enforcement Training program through the States.

---

[1] Stephanie Franz & Randy Borum borum@fmhi.usf.edu (2011) Crisis Intervention Teams may prevent arrests of people with mental illnesses, Police Practice and Research, 12:3, 265–272, DOI: 10.1080/15614263.2010.497664.

[2] Treatment Advocacy Center (2019). Road Runners. The Role and Impact of Law Enforcement in Transporting Individuals with Severe Mental Illness. A National Survey. Retrieved from www.TreatmentAdvococayCenter.org/Road-Runners.

[3] Laniyonu, A., Goff, P.A. Measuring disparities in police use of force and injury among persons with serious mental illness. BMC Psychiatry 21, 500 (2021). https://doi.org/10.1186/s12888-021-03510-w.

[4] Fuller, D. A., Lamb, H. R., Biasotti, M., & Snook, J. (2015). Overlooked in the undercounted: The role of mental illness in fatal law enforcement encounters. Treatment Advocacy Center, 1–27.

[5] https://www.theiacp.org/resources/document/national-consensus-policy-and-discussion-paper-on-use-of-force.

Again, thank you for the opportunity to provide this feedback as part of the subcommittee's FY2025 process, and thank you for your service to our Nation.

PREPARED STATEMENT OF PROJECT ON GOVERNMENT OVERSIGHT (POGO)

Dear Chair Shaheen and Ranking Member Moran:

The Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions reforms to achieve a more effective, ethical, and accountable Federal Government that safeguards constitutional principles. POGO submits the enclosed requests for funding and report language to be included in the fiscal year 2025 Commerce, Justice, Science, and Related Agencies appropriations bill.

Thank you for considering these proposals to strengthen government accountability and oversight.

REQUESTING $2 BILLION TO FUND THE U.S. CENSUS BUREAU IN FY 2025

Appropriations Committee: Commerce, Justice, Science, and Related Agencies
Agency: U.S. Census Bureau
Type of Request: Funding request

Background:

In addition to congressional apportionment, data from the decennial census helps direct trillions of dollars in Federal assistance to States and communities.[1] Those funds are used for building and maintaining hospitals, roads, schools, and housing; supporting veterans; feeding children and families; fostering economic development; and more.[2] The census needs to be adequately funded—every year—to ensure an accurate and complete count of those served by these investments. Fiscal year 2025 is the first year of the development and integration phase of the 2030 Census, when initial tests of field operations are conducted.[3] These operations are essential to a successful Census in 2030.

The Census Bureau's Post-Enumeration Survey found 14 States had statistically significant errors in the statewide populations counted for the 2020 decennial census.[4] The implications of miscounts are wide ranging. Undercounts can mean that States and communities receive insufficient funding for Federal programs, and overcounts could result in communities being misclassified and missing out on Federal programs entirely.[5]

Critically, there is real overlap between the target communities for many Federal programs and the populations that the Census Bureau has historically found hard to count, which include people of color, people in low-income communities, people experiencing homelessness, immigrants, people with disabilities, and LGBTQ+ people.[6] Adequately funding the Census Bureau in the years between each decennial census will allow it to ensure the count is accurate, reduce government waste, and appropriately assist the communities Congress intends to support.

Proposed Funding:

To fulfill its mission and pursue other essential operational innovations, the Project On Government Oversight recommends Congress provide the U.S. Census Bureau with $2 billion in fiscal year 2025.

---

[1] Sean Moulton, Project On Government Oversight, Dollars and Demographics: How Census Data Shapes Federal Funding Distribution (September 11, 2023), https://www.pogo.org/reports/dollars-and-demographics-how-census-data-shapes-federal-funding-distribution.

[2] U.S. Census Bureau, "Census Bureau Data Guide More Than $2.8 Trillion in Federal Funding in Fiscal Year 2021," Press Release CB23–102, June 14, 2023, https://www.census.gov/newsroom/press-releases/2023/decennial-census-federal-funds-distribution.html; Moulton, Dollars and Demographics: How Census Data Shapes Federal Funding Distribution, [see note 1].

[3] U.S. Government Accountability Office, 2020 CENSUS: Lessons Learned from Planning and Implementing the 2020 Census Offer Insights to Support 2030 Preparations, GAO–22–104357 (February 2022), 4, https://www.gao.gov/assets/720/719018.pdf.

[4] America Counts Staff, "2020 Census Undercounts in Six States, Overcounts in Eight," U.S. Census Bureau, May 19, 2022, https://www.census.gov/library/stories/2022/05/2020-census-undercount-overcount-rates-by-state.html.

[5] Moulton, Dollars and Demographics: How Census Data Shapes Federal Funding Distribution, [see note 1].

[6] Moulton, Dollars and Demographics: How Census Data Shapes Federal Funding Distribution, [see note 1].

DATA COLLECTION ON FACIAL RECOGNITION TECHNOLOGY USE BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Appropriations Committee: Commerce, Justice, Science, and Related Agencies
Agency: Department of Justice, Bureau of Justice Assistance
Type of Request: Report Language

Background:

The proliferation of facial recognition technology alongside rapid advancements in artificial intelligence raises concerns about the disparate impact of the deployment and use of this technology, particularly in historically marginalized communities around the country. On May 25, 2022, President Biden signed Executive Order 14074 on "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety," which included provisions requiring the Attorney General, Secretary of Homeland Security, and Director of the Office of Science and Technology Policy (OSTP) to jointly develop a report assessing law enforcement agencies' use of facial recognition technology, other technologies using biometric information, predictive algorithms, data storage, and access regarding such technologies.[7] The scope of the forthcoming report is anticipated to only address Federal law enforcement use of these technologies. For a full examination of the use of facial recognition technology, it is important to acquire data on the State and local law enforcement agencies that use Department of Justice funds to deploy and use the technology.

Proposed Report Language:

Not later than 180 days after the enactment of this act, the Department of Justice shall provide a detailed public report on the use of Department of Justice funds by State and local law enforcement agencies to purchase and use facial recognition technology, as well as contracts with entities that provide access to facial recognition technology. The report shall also include a list of agencies that have used Department of Justice funds on facial recognition technology. It shall include the aggregate total of Department funds, as well as individual total costs by State and local law enforcement agencies used to purchase and use the technology as well as cost of any contracts providing access to the technology.

DEATH IN CUSTODY REPORTING ACT IMPLEMENTATION

Appropriations Committee: CJS
Agency: Department of Justice
Type of Request: Report Language

Background:

Congress reauthorized the Death in Custody Reporting Act (DCRA) in 2014, directing the Department of Justice to collect data on deaths that occur in the custody of local, State, and Federal law enforcement and corrections agencies.[8] DCRA also instructed the Attorney General to submit, within 2 years, a report to Congress analyzing that data and proposing ways to reduce deaths in custody, and it allows the Attorney General to reduce the Byrne Justice Assistance Grant allocations to noncompliant States. The following language was enacted in the fiscal year 2023 CJS explanatory statement:

> Death in Custody Act [DCRA] Reporting.-Within 90 days of enactment of this act, the Attorney General shall submit a report outlining the Department's plans to implement the DCRA. The report shall address the quality of the data the Department has collected to date and consider ways to improve the quality and transparency of future data collected, including implementing DOJ's 2016 proposed collection plan. It shall also include a timeline for the public release of the report required by the DCRA.[9]

In September 2022, the Government Accountability Office found that the Justice Department's fiscal year 2021 data on state deaths was missing nearly 1,000 deaths that were reported in public sources, and that over two-thirds of all records collected

---

[7] Executive Order No. 14074, 87 Fed. Reg. 32945 (May 25, 2022), https://www.federalregister.gov/documents/2022/05/31/2022-11810/advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and.

[8] Death in Custody Reporting Act, Pub. L. 113–242, 128 Stat. 2860 (2014).

[9] Senate Appropriations Committee, "Explanatory Statement for Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2023," 79, https://www.appropriations.senate.gov/imo/media/doc/CJSFY23RPT.PDF.

under DCRA were missing required information.[10] There has been no public update on data quality and compliance since then. However, reporting has suggested that deaths in custody are frequently miscategorized in ways that obscure the true series of events leading to those deaths.[11] It is crucial for Congress to continue engaging with the Justice Department to ensure that DCRA is fully complied with and yields accurate information to facilitate efforts to prevent deaths in custody.

Proposed Report Language:

Death in Custody Act [DCRA] Reporting.-Within 90 days of enactment of this act, the Attorney General shall submit a report outlining the Department's progress in implementing the DCRA. The report shall include an assessment of the compliance rate in fiscal years 2022 and 2023 for both the Bureau of Justice Statistics and Bureau of Justice Assistance DCRA reporting programs. It shall also report on the Department's efforts to ensure the accuracy of data submitted under the DCRA, with particular attention to measures to ensure that causes of death are properly categorized.

[This statement was submitted by Faith Williams, Director, Effective and Accountable Government.]

PREPARED STATEMENT OF REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM

For more than 50 years, law enforcement and public safety agencies have turned to the Regional Information Sharing Systems (RISS) Program for secure, cost-effective, innovative, trusted, and evidence-based services and resources. Some agencies, especially small, rural, and Tribal agencies, cannot obtain the types of support and services provided by RISS anywhere else. RISS helps connect officers across jurisdictions to identity new investigative leads and links, solve crimes, promote officer safety, and aid in successful case resolution. The RISS services and resources are needed now more than ever as our Nation witnesses an unprecedented and elevated threat from terrorism with increased rhetoric and calls for attacks from foreign terrorist organizations. At the same time, cities and towns across the country are grappling with increased incidents of hate crimes, threats from the border, violent gangs, human trafficking, the ongoing fentanyl crisis, and the persistent threat from cybercriminals. RISS must be not only sustained but expanded so RISS can continue to meet the ever-changing needs of law enforcement and help safeguard our communities. RISS is a proven resource for law enforcement. It is respectfully requested RISS be funded in FY2025 at $55 million.

RISS is composed of six regional centers and the RISS Technology Support Center (RTSC). RISS is locally managed by policy board members consisting of police chiefs, sheriffs, and other law enforcement leaders in each RISS Center's multistate region. An executive director operates each RISS Center. The RISS Centers work regionally and nationwide to respond to each region's unique criminal problems while working together on a nationwide basis to strengthen and advance criminal justice priorities. The RTSC maintains, operates, and enhances the RISS secure infrastructure and applications.

RISS supports law enforcement in investigating all types of crime, including violent and gun crimes, hate crimes, domestic terrorism, human trafficking, cybercrime, drug trafficking, and other regional and emerging priorities. RISS accomplishes this goal by focusing its efforts on three priorities: Investigative Case Support; Secure Information and Intelligence Sharing; and Officer Safety, Deconfliction, and Law Enforcement Wellness. RISS receives hundreds of shared success stories from agencies and officers showcasing how RISS services and resources are used to solve crimes and keep officers safe. To read real-life stories from each State, visit www.riss.net/Impact.

INVESTIGATIVE CASE SUPPORT

RISS provides professional, accurate, and effective products and services that combat crime, help resolve criminal investigations, and successfully prosecute offenders. RISS offers law enforcement agencies and officers a full range of critical

---

[10] Government Accountability Office, Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized, GAO–22–106033 (September 20, 2022), https://www.gao.gov/assets/d22106033.pdf.

[11] Tirzah Christopher, "There is little scrutiny of 'natural' deaths behind bars," NPR, January 2, 2024, https://www.npr.org/2024/01/02/1219667393/there-is-little-scrutiny-of-natural-deaths-behind-bars.

support services and resources and provides expertise and technical assistance to the field. Below are highlights of results and productivity in FY2023. RISS:

—Developed 30,961 analytical products, such as case-related maps, link charts, and 2D and 3D crime scene diagrams.
—Loaned 2,713 pieces of specialized investigative equipment, such as cameras, recorders, and other devices, to agencies, including small and rural agencies.
—Sponsored or co-sponsored 1,574 training opportunities and helped train 65,640 individuals.
—Responded to 61,205 requests for research and technical assistance, which helped identify suspect addresses, monikers, criminal associates, and other investigative information.
—Provided opportunities to share information with more than 10,200 law enforcement agencies and more than 137,000 authorized law enforcement personnel.
—Provided one-on-one support through the RISS field services staff and field-based solutions.
—Developed law enforcement-sensitive publications and briefings.

Each year, agencies and officers report that they were able to seize millions of dollars and remove dangerous contraband from the streets using RISS services and resources. In FY2023, law enforcement agencies reported that by using RISS services, their officers seized more than $59 million in narcotics, property, and currency. In addition, there were more than 4.5 million inquiries to RISS resources with more than 861,300 hits.

SECURE INFORMATION AND INTELLIGENCE SHARING

RISS provides law enforcement and the criminal justice community with an unprecedented level of collaboration among officers and agencies while ensuring that privacy and civil liberties are protected. RISS prioritizes security, adheres to nationally recognized standards, and constantly ensures that its assets are protected.

The RISS Secure Cloud (RISSNET) connects systems, provides bidirectional information sharing, and offers a single search of connected systems. RISSNET provides access to hundreds of resources and millions of records. Many of these systems are owned and operated by RISS partners who use RISSNET to securely share information with a broader and vetted law enforcement community. RISS has also developed and maintains resources accessible via RISSNET, including the following:

—RISS Criminal Intelligence Database (RISSIntel)-a modern, user-inspired, and flexible system which provides a real-time online federated search of more than 60 systems containing millions of records.
—RISS Money Counter Network (RISS MCN)-stores currency serial numbers and compares them to currency submitted by officers in previous cases via a secure RISS-designed application.
—RISS Property and Recovery Tracking System (RISSProp)-houses pawn, secondhand, and other shop transactions and helps agencies identify and return stolen property.
—RISSLeads Investigative Website-generates investigative leads, enables secure collaboration, and facilitates multijurisdictional information sharing.
—RISS Master Telephone Index (RISS MTI)-compares and matches telephone numbers in law enforcement investigations.
—RISS Drug Pricing Reference Guide-enables officers to search for comparable prices on narcotics and serves as a price guide when assessing the value of seizures and contraband.

OFFICER SAFETY, DECONFLICTION, AND LAW ENFORCEMENT WELLNESS

Officer safety, deconfliction, and law enforcement wellness are cornerstone priorities for the RISS Program. Event deconfliction is an essential component of agency operations as it protects law enforcement officers and citizens, supports operational integrity, strengthens information sharing, reduces risk and liability, and enhances investigative efforts. Officers involved in high-risk operations can enhance their personal safety and the safety of those around them by using an event deconfliction system. Each day, law enforcement officers face new and emerging threats that not only challenge their physical well-being but also their mental wellness. RISS provides resources and training to enhance officer safety and law enforcement wellness.

The RISS Officer Safety Event Deconfliction System (RISSafe) maintains data on planned law enforcement investigative events submitted for inclusion to identify and alert affected agencies or officers of potential conflicts. RISSafe is used in conjunction with mapping software to verify data on event locations when an event is entered into the system. A conflict results when certain elements are matched between

two or more events. Immediate notification is then made to the affected agencies or personnel regarding the identified conflict. Since the inception of RISSafe, more than 2.9 million operations have been entered, resulting in more than 581,550 identified conflicts. Without identifying these conflicts, officers may have interfered with another agency's or officer's investigation, or officers or citizens may have been unintentionally hurt or killed. RISSafe is accessible on a 24/7/365 basis and is available at no cost to all law enforcement agencies. Currently, 29 RISSafe Watch Centers are operational, 23 of which are operated by organizations other than RISS.

The RISS Officer Safety and Wellness Website provides secure access to vetted, trusted information and materials on topics, including armed and dangerous individuals and situations, concealments, officer safety videos, law enforcement wellness, and training.

MAKING PROGRESS

Below are highlights of specific and unique RISS accomplishments in FY2023 that continued moving RISS forward in its three focus areas.

—Continued to advance the RISSIntel features and functionality and connected additional partner systems.
—Expanded the number of available RISSNET resources to more than 300, most of which are databases or systems owned by partner entities that use the RISSNET secure platform.
—Through the critical resources available via RISSNETand other RISS resources, more than 78.3 million records are available to authorized users.
—RISSProp, which contains more than 28 million records, continued to help officers solve burglaries, home invasion robberies, organized retail crime, and other crimes while identifying and recovering stolen items. Since its inception, RISSProp has helped officers recover more than $13.9 million in property.
—The RISS MCN continued to help officers deconflict and manage information about money used in criminal activities. More than 571 agencies in 47 States (plus Guam) use MCN.
—The RISS Drug Pricing Reference Guide continued to help officers assess the value of seizures and contraband and identify trends in the drug market.
—Continued to develop School Action Response Plans, which contain data, photographs, and floor plans critical for officers to effectively navigate an active shooter or other situation.
—Supported Federal efforts and nationwide partnerships to expand information sharing and available resources to law enforcement.
—Completed the transition of the RISS Collaboration Websites, the RISSLeads Investigative Website, and the RISS Officer Safety and Wellness Website to a new platform that provides authorized users advanced information sharing capabilities and enhanced collaboration abilities.
—Launched an effort to develop a RISS mobile application and engaged subject-matter experts in the field to help identify needs and develop a mobile strategy.

RISS FY2025 NEEDS AND PROPOSED ACTIVITIES

Funding will support the six regional RISS Centers, including current operations and the technology component, as well as the following efforts:

Investigative Case Services

—Provide additional investigative support for violent and gun crimes, extremist activities, human trafficking, hate crimes, narcotics trafficking, cybercrimes, and other emerging crimes.
—Invest in software, applications, and other resources to support analytical services, including audio/video clarification and digital forensics.
—Replace and obtain new specialized equipment.
—Develop, promote, and deliver trainings and other educational resources, including regional and nationwide conferences in the areas of human trafficking, narcotics, and homicide.
—Expand the development and distribution of School Action Response Plans and expand support for organized retail crime investigations and initiatives.

Information and Intelligence Sharing Solutions

—Expand and further strengthen authentication and security protocols, including multilayered approaches and standards-based solutions.
—Integrate RISS resources to expand deconfliction capabilities, streamline officer access to RISS resources, and enhance resource accessibility, such as developing mobile applications.

—Onboard and connect additional systems to RISSIntel and continue to educate partners on its features and functionality.
—Expand RISSProp throughout the RISS Center regions.
—Increase the number of agencies utilizing the RISS MCN.

Officer Safety and Wellness Efforts, Including RISSafe

—Enhance and further expand RISSafe and the RISS Officer Safety and Wellness Website.
—Develop focused campaigns to educate officers and leaders on the critical importance of deconfliction, officer safety, and law enforcement wellness.
—Work with deconfliction partners to enable target deconfliction capabilities.

RISS provides critical investigative services, resources, information and intelligence, officer safety, training, and more to law enforcement. RISS has continued to be a force multiplier for half a century, helping law enforcement agencies save time and money as they protect and serve our Nation's citizens and communities. RISS is grateful for the opportunity to provide this testimony at your request and appreciates your ongoing support. For additional information, visit www.riss.net.

[This statement was submitted by David Hall, Chair.]

PREPARED STATEMENT OF SANDY HOOK PROMISE

I would like to begin by thanking Chairwoman Shaheen, Ranking Member Moran, and the members of the Commerce, Justice, Science, and Related Agencies subcommittee for the opportunity to submit testimony. I am grateful for the subcommittee's continued bipartisan and longstanding support for children's safety in and outside of school. Sandy Hook Promise's (SHP) mission is to educate and empower youth and adults to prevent violence in their schools, homes, and communities. In Fiscal Year 2025, we are supportive of the following requests in the CJS bill that will help support and protect the children of our Nation. We support increased funding for the Student, Teachers, and Officers Preventing (STOP) School Violence program and request $86 million for the Bureau of Justice Assistance (BJA) and $55 million for Community Oriented Policing Solutions (COPS) to reflect increased demand for school safety solutions. Further, we support $200 million for the Department of Justice's (DOJ's) Community Violence Intervention and Prevention Initiative (CVIPI). Each of these programs has a role to play in helping to keep kids safe at home, at school, and in their communities.

I am submitting this request on behalf of Sandy Hook Promise, an organization of which I am a co-founder. On December 14, 2012, the youngest of my three children, my sweet little Daniel, was murdered in his first-grade classroom at Sandy Hook Elementary School. Following the shooting, I began working with other family members whose loved ones were killed that day to find a way to prevent others from experiencing the senseless, horrific death of their child due to gun violence. The result was Sandy Hook Promise, a national nonprofit organization dedicated to honoring all victims of violence by turning our tragedy into a moment of transformation. By empowering youth to "know the signs" and uniting all people who value the protection of children, we can take meaningful action in schools, homes, and communities to prevent violence and stop the tragic loss of life.

To date, over 22 million youth and adults have participated in our life saving Know the Signs programs. As of April 2024, Sandy Hook Promise's National Crisis Center, has saved more than 653 lives and prevented 16 school shootings.[1] We work every day to ensure that our Crisis Center responds to messages from concerned students and connects those students in crisis or at risk with help. Students must have resources and training to ensure that when they observe warning signs, they can be upstanders and receive help from a trusted adult.

Millions of acts of youth violence, including suicide, threats, bullying, and homicide occur every year, affecting all urban, suburban, and rural schools. In 2021, 9 percent of high school students reported not attending school because of safety concerns at least once in the previous month.[2] Further, an August 2023 poll found that 38 percent of parents fear for a child's physical safety at school and 14 percent of parents say a child has expressed safety concerns to them.[3] For students to learn and grow, they need safe, inclusive, and proactive steps towards improving their physical and mental wellbeing.

---

[1] https://www.sandyhookpromise.org/who-we-are/our-impact/.
[2] https://www.cdc.gov/healthyyouth/data/yrbs/yrbs__data__summary__and__trends.htm.
[3] Gallup Inc. (2023) "School Parent Safety Concerns Remain High in the U.S.".

The rates of suicide and instances of poor mental health among young people continue to be of concern too. In just the past year 22% of high school students seriously considered attempting suicide—18% of students made a suicide plan, and 10% of high school students attempted suicide.[4] These rates continue to underscore the need for programs designed to prevent suicide and violence like those funded by the STOP School Violence grant program to ensure resources are available for school personnel and students.

The *STOP School Violence Act* was signed into law in 2018 following the tragedy at Marjory Stoneman Douglas High School in Parkland, Florida. Sandy Hook Promise worked with bipartisan members of Congress to craft this legislation based on the research and lessons learned following the tragedy at Sandy Hook Elementary that took my son, Daniel. Ensuring strong funding for the *STOP School Violence Act* continues to be Sandy Hook Promise's priority to honor our commitment to students, teachers, parents, and communities across the Nation to help prevent school shootings and keep kids safe. The continuation of bipartisan support and deep investments in the *STOP School Violence Act* is a testament to Congress' dedication to children's safety at school.

Research shows that youth often display warning signs before harming themselves or others. In fact, 75 percent of school shooters and 70 percent of youth who complete suicide told someone of their plans or gave another warning sign.[5] Students, teachers, and school staff need tools and trainings to empower them know how to reach out for help when concerned about violence toward themselves or others. Increased funding for STOP School Violence grants will help additional States, school districts and Tribal organizations bring evidence-based safety programs and strategies to schools on topics including suicide, bullying, and violence prevention. In addition to the funding made available through the Bipartisan Safer Communities Act, for Fiscal Year 2025, we support $86 million for BJA and $55 million for COPS for *STOP School Violence Act* grants. We also support the following report language as it relates to the *STOP School Violence Act* to be included in the FY 2025 CJS report:

> *STOP School Violence Act—The recommendation provides a total of $201,000,000 for the STOP School Violence Act (Division S, title V of Public Law 115–141) grant program for the fiscal year 2025. Of this amount, $60,000,000 is derived from the Bipartisan Safer Communities Act, and funding of $141,000,000 is provided for in this act. Of the amount provided in this act, $86,000,000 is provided to the Bureau of Justice Assistance (BJA) for evidence-based school safety programs outlined in the act and $55,000,000 is provided to the Community Oriented Policing Service (COPS) program. The Committee directs BJA to prioritize evidence-based programming to train students and school personnel on the warning signs of interpersonal violence and suicide, to prevent the root causes of student violence, and to deliver mental health crisis intervention, as permitted under the act. The Committee directs the offices to work with other Federal agencies to notify States, localities, Tribes, and school districts of funding availability upon release, increase training and technical assistance for school district applicants, and provide microgrants for school districts, including rural, Tribal, and low-resourced schools. The Committee directs BJA to prioritize applicants from rural and low-resourced school districts and applicants incorporating crisis centers and evidence-based trainings for students and staff within their anonymous reporting systems.*
>
> *Through the COPS STOP School Violence Act program, school districts should use funds for trainings for local law enforcement on best practices to protect the mental and emotional health of students in high-risk communities. Additionally, both BJA and COPS should encourage applications that prioritize the use of mental health professionals and resources in their school safety plans.*

Children deserve to feel safe at home, at school, and in their communities. Some students feel safer in the school building than they do outside of school. Violence continues to be a leading cause of death and nonfatal injuries among adolescents and young adults with over half of US homicides occurring among people ages 15–

[4] "Youth Risk Behavior Surveillance System (YRBSS)." Centers for Disease Control and Prevention, April 27, 2023. https://www.cdc.gov/healthyyouth/data/yrbs/.

[5] United States Secret Service. Lina, Alathari. (2020) MASS ATTACKS in PUBLIC SPACES -2019.

34 in 2020.[6] We must invest in our communities to keep children safe from gun violence. Community Violence Intervention and Prevention Initiative grants at the DOJ should prioritize funding for areas with higher rates of gun violence and ensure grants allow for participation of community-based entities. These grants should help to fund strategies that are informed by public health models and provide culturally competent, trauma-responsive services to individuals and communities most impacted by gun violence. In Fiscal year 2025, we support $200 million for the DOJ's Community Violence Intervention and Prevention Initiative.

Violence does not exist in a vacuum and investments to keep kids safe at school and in their communities will not only improve children's lives but save them. We know that funding for school safety resources and programs and funding for community violence intervention work have key roles in supporting child safety and preventing gun deaths. We must commit resources to keeping our schools safe from shootings, increase suicide prevention and mental health programming, and invest in community violence intervention work to help stop this leading cause of death of children. Thank you to the subcommittee for its continued bipartisan commitment to keeping kids safe and for the opportunity to submit testimony today on this critical issue.

[This statement was submitted by Mark Barden, Co-Founder and CEO.]

PREPARED STATEMENT OF SEA GRANT ASSOCIATION

The Sea Grant Association (SGA) recommends Congress appropriate $163.7 million to the National Oceanic and Atmospheric Administration's Sea Grant Program (Sea Grant) in FY 2025, which includes $145.7 million for the National Sea Grant College Program and $18 million for the Sea Grant Aquaculture Research Program. Sea Grant is funded through appropriations to NOAA's Office of Oceanic and Atmospheric Research in the Operations, Research, and Facilities account.

Sea Grant consists of a network of 34 university-based programs and has supported coastal and Great Lakes communities through research, extension, and education for nearly 60 years. SGA is a nonprofit association made up of the academic institutions participating in the program dedicated to furthering Sea Grant's vision, mission, and goals and advocates for greater understanding, use, and conservation of marine, coastal, and Great Lakes resources.

The SGA recognizes the caps put in place by the Fiscal Responsibility Act (Public Law 118–5) only increase Federal discretionary spending by less than one percent in FY 2025. Unfortunately, local costs and requests for assitance and expertise are increasing, making it clear that Sea Grant needs more funding to assist the local communities each program supports across the Nation. The SGA recommendation of $145.7 million for the Sea Grant College Program is based on the $111.7 million authorized in law by the National Sea Grant College Program Amendments Act of 2020 (Public Law 116–221) for FY 2025 and $34 million to provide each program with an additional $1 million to invest directly in their coastal communities and economies. The SGA recommendation of $18 million for Sea Grant Aquaculture Research would allow the program to continue the development of sustainable marine and Great Lakes region aquaculture businesses to create or sustain aquaculture jobs and to assure food security for communities across the Nation.

During all times—especially those of fiscal constraint—it is critical that Congress be good stewards of taxpayer dollars. The Sea Grant Program provides a remarkable return on the public's investment, leveraging more than $3 for every $1 appropriated by Congress and investing those funds directly in support of local needs.

The SGA thanks the committee for their steadfast, bipartisan support of the Sea Grant College Program and the Sea Grant Aquaculture Research Program each fiscal year. We were disappointed to see the president's budget request for FY 2025 proposed a 24.5% overall cut (10% reduction for the Sea Grant College Program and the termination of the Sea Grant Aquaculture Research Program). Such cuts would have deleterious impacts on coastal communities around the country. The proposed cuts are inconsistent with the demand for Sea Grant to expand their community-based work in four areas: healthy coastal ecosystems, sustainable fisheries and aquaculture, resilient coastal communities and economies, and environmental literacy and workforce development, as described below.

---

[6] https://www.cdc.gov/violenceprevention/communityviolence/index.html.

JUSTIFICATION FOR FY 2025 REQUEST FOR SEA GRANT COLLEGE PROGRAM

The 2022 Federal appropriation of $89.5 million was leveraged with non-federal funds by Sea Grant's 34 university grant-based programs and resulted in $802.3 million in economic benefits.

Additionally, in 2022, Sea Grant created or sustained 9,569 jobs and 1,601 small businesses, helped restore or protect over 2.1 million acres of habitat, engaged 970,976 people in education, and helped 24,288 seafood industry personnel adopt responsible fishery practices.

Increasing the capacity of each program in the Sea Grant network will provide a measurable difference in the program's already significant impact and will enable more work to address constituent priorities. As an on-the-ground partner, Sea Grant works directly with constituents and local businesses to ensure a sustainable economy and environment on our coasts. Examples of this work include:

—Collaborating with partners to investigate nearshore water quality and reef health after the devasting Maui wildfire that destroyed more than 2,200 structures (Hawai'i Sea Grant)
—Supporting regional lobster research and funding research to improve predictive capacity for coastal storm erosion impacts, to identify ecosystem services and climate vulnerabilities of salt marsh ecosystems, to support adaptation in marine fisheries and fisheries management in a changing ecosystem, and to understand composition and transport of forever chemicals (PFAS) in Maine estuaries (Maine Sea Grant)
—Assisting with planning and programming the Aldo Leopold Festival, which generates over $50,000 in direct spending in Michigan's Upper Peninsula, which is significant economic activity for the region's small communities (Michigan Sea Grant)
—Partnering to create the DE–PLANS hub, which helps inform planning, outreach, and services for the growing and underserved older adult population in Delaware (Delaware Sea Grant)
—Creating a curriculum and providing funds to help middle school students construct remotely operated vehicles as part of a science class project (Alaska Sea Grant)
—Jointly funding research to calculate how long it may take roads and bridges to reopen after an earthquake and tsunami (Oregon Sea Grant)
—Spearheading the Fisheries & Seafood Leadership Program to develop new leaders in the fishing and seafood industry (Louisiana Sea Grant)
—Supporting the Coastal Storm Modeling System to help planners, managers, and resident understand the impacts of coastal flooding to county property, homes, and businesses (Washington Sea Grant)
—Awarding Federal funding for research on water quality restoration tools, algal bloom monitoring, urban community access to coastal spaces, living shorelines, and soft-shell clam aquaculture (Maryland Sea Grant)

JUSTIFICATION FOR FY 2025 REQUEST FOR SEA GRANT AQUACULTURE RESEARCH PROGRAM

From 2018–2022, Sea Grant's average annual Federal investment of $16.3 million in aquaculture resulted in a yearly average of $69.6 million economic impact, 572 businesses created or sustained, 1,147 jobs created or sustained, and 71 publications.

Sea Grant responds to requests from aquaculture producers, resource managers, scientists, and consumers and helps ensure the safety and quality of sustainably cultured seafood products by conducting research and providing technical assistance and outreach. Sea Grant also provides aquaculture literacy programs for the next generation of farmed seafood producers through K–12, university and technical training, and education programs.

An increase for the Sea Grant Aquaculture Research Program would increase research, education, and extension activities that train a skilled work force and support the development of new aquaculture technologies. Examples of this work include:

—Funding a research project to look at the feasibility of rearing sea urchins to diversify the State's aquaculture and to establish a network that could sustain a regional sea urchin aquaculture industry (Rhode Island Sea Grant)
—Facilitating shellfish industry economic resilience from the devastating effects of the pandemic by purchasing portable refrigerated storage units to enable eight companies to adapt their business plans to include direct marketing of clams, oysters and kelp to consumers (Connecticut Sea Grant)

—Working through an alliance to provide curriculum and training the helps seafood processors and importers meet Federal food safety regulations (Florida Sea Grant)
—Holding an Oyster Farming Resilience Index Workshop Series, based on needs identified by oyster farmers, to provide resources to improve resilience for the oyster farming industry (Mississippi-Alabama Sea Grant Consortium)
—Working with partners to document the potential benefits of increasing shellfish mariculture production in the state (South Carolina Sea Grant)

COMMUNITY PARTNERSHIPS

Sea Grant supports local communities and has long-standing, trusted relationships with tens of thousands of partners in the public and private sectors. These partnerships—with industry and businesses, Tribal and Indigenous communities, nonprofits and academic institutions—help strengthen communities by advancing common priorities related to coastal and marine issues. These partners rely on the services their local Sea Grant provides; the owner of a woman-owned business, speaking at a recent congressional briefing said, "when my business encounters a problem, my first call is to [our State's Sea Grant Director]."

CONCLUDING THOUGHTS

The SGA's FY 2025 request for the Sea Grant College Program and Sea Grant Aquaculture Research reflects coastal communities? increasing requests for the services Sea Grant provides. Leveraging nearly $3 for every $1 appropriated by Congress, Sea Grant remains a good steward of taxpayer funds and clearly shows their value to partners and the broader communities they support.

The SGA is grateful for the long-standing consistent support this subcommittee has provided the program. Our "on the ground" efforts in coastal resilience, sustainable aquaculture, and other key Sea Grant objectives could not happen without the guidance and support this subcommittee and the rest of the Congress has provided over the years. Thank you again for your time and for your consideration of this request. SGA would be happy to answer any questions or provide any additional information.

[This statement was submitted by Dr. Darren Lerner, Director.]

PREPARED STATEMENT OF SOCIETY FOR INDUSTRIAL AND APPLIED MATHEMATICS

Summary.—This written testimony is submitted on behalf of the Society for Industrial and Applied Mathematics (SIAM) to ask you to support the National Science Foundation (NSF) in fiscal year (FY) 2025 by providing NSF with at least $11.9 billion. We urge you to reverse the cuts to NSF in FY 2024 and dramatically scale emerging technology investments to meet our National security needs. This includes strong funding 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 as well as the Directorate for STEM Education (EDU) that addresses fundamental challenges in mathematics and STEM education and workforce development.

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 that SIAM appreciates your Committee's recognition of the critical role of the National Science Foundation (NSF) and its support for mathematics, science, and engineering in enabling a strong U.S. economy, workforce, and society. We understand the difficult fiscal environment that we all face. However, we are deeply concerned by the cuts to NSF in FY 2024, which will harm NSF's critical research, infrastructure, and workforce investments and damage our research ecosystem.

Today, we submit this testimony to ask you to reconfirm Congresses support of NSF in FY 2025 and beyond. In particular, we join with the research and higher education community and request that you provide NSF with at least $11.9 billion in funding for FY 2025. NSF needs bold growth to protect U.S. competitiveness as countries such as China are rapidly increasing their science and engineering investments. At least $11.9 billion in funding is needed to ensure NSF can meet Congress's vision for the agency, launch new programs in priority areas such as Regional Innovation Engines to transform regional economies in critical technology areas, invest in revolutionary breakthroughs to address resilience and catalyze clean energy innovation, and provide sustainable growth to the core research and education activities undergirding our science and technology ecosystem.

As we are reminded every day, the Nation's health, 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 biologic processes, the energy grid, cyberspace, terrorist networks, or the human brain. 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 57 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 supports NSF"s efforts to expand its mission towards transforming innovation ecosystems with the Directorate for Technology, Innovation, and Partnerships (TIP) and encourages Congress to give NSF the resources it needs, in line with the amounts authorized in the CHIPS and Science Act, to fully carry out programs such as Regional Innovation Engines and enabling support for NSF priorities in artificial intelligence and other emerging technologies, resilience, and broadening participation. Even before the launch of the new TIP directorate and other new programs authorized in CHIPS and Science, NSF was unable to fund more than $2 billion worth of research proposals rated "very good or higher" each fiscal year.

It is imperative that the rest of NSF see sustainable growth, such as programs funded by the Division of Mathematical Sciences (DMS) and the Office of Advanced Cyberinfrastructure (OAC), which have stagnated in recent years and whose foundational investments underpin advances across many science and engineering challenges. New efforts such as the National AI Research Resource (NAIRR) can only be successful when built on a strong foundational research enterprise that supports research, education, and infrastructure to sustain our science and technology ecosystem.

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; infra-

structure, 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 national security 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. DMS has taken a leadership role in promoting partnerships with other agencies and foundations to leverage Federal funding for maximum impact. In addition, DMS funding supports a broad array of activities in artificial intelligence, digital twins, modeling, analysis, algorithms, and simulation that underpin advancements across science and engineering. Agencies such as the Department of Defense (DOD) and National Institutes of Health (NIH) 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, such as new programs recently launched in Digital Twins with the Air Force, NIH Office of the Director, and the Food and Drug Administration (FDA).

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 endorses OAC's effort to create the NAIRR pilot as well as OAC's broader role advancing high performance computing to meet critical national security needs, fully leverage computing technology for economic competitiveness and scientific discovery, and positioning the U.S. for sustained technical leadership. The full NAIRR has potential to transform and dramatically scale AI innovations, but must be paired with robust research and workforce funding to reach its full impact and enable a robust ecosystem.

SUPPORTING THE PIPELINE OF MATHEMATICIANS AND SCIENTISTS

SIAM supports EDU and its programs like Improving Undergraduate STEM Education (IUSE) and Graduate Research Fellowships, which are key to advancing STEM professional development and developing the next generation of mathematicians, scientists, and engineers. EDU also plays a critical role developing a STEM literate citizenry through its K–12 focused investments. SIAM notes that mathematical education is foundational to STEM learning across disciplines, and NSF should continue to fund development of mathematical and computational skills. SIAM supports CAREER awards and other workforce programs crucial to early career faculty professional development.

CONCLUSION

We would like to thank you again for your 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. Congress needs to revers ethe FY 2024 cuts and provide NSF with sustained growth to maintain our competitive edge in science and technology. We ask that you provide robust support of these critical programs in FY 2025 and put us on track to dramatically scale emerging technology investments as bipartisan majorities have emphasized are critical to our National security and competitiveness. We appreciate the opportunity to provide testimony to the Committee on behalf of SIAM.

[This statement was submitted by Alejandro Aceves, Vice President for Science Policy, and Suzanne L. Weekes, Executive Director.]

PREPARED STATEMENT OF 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 five requests:

—Provide the requested amount of $11.9 billion for the National Science Foundation (NSF), including strong support for the Directorate for Social, Behavioral, and Economic Sciences (SBE) and the Directorate for Technology, Innovation, and Partnerships (TIP);
—Provide robust support for NSF graduate education programs, including industry career exploration, as outlined in the *CHIPS and Science Act of 2022*;
—Encourage NSF to explore next steps for the agency's Future of Work at the Human-Technology Frontier initiative;
—Invest in research at NSF on workforce participation of individuals with disabilities and neurodiverse individuals; and
—Support workforce evaluation and technical assistance at the Department of Justice's Community Oriented Policing Services Office.

Appropriations Support for NSF.—SIOP is an international community of scientists, academics, practitioners, consultants, and students of industrial and organizational (I–O) psychology, which examines how to enhance human well-being and performance in organizational and work settings. I–O psychologists are helping to address critical challenges such as implementation of AI-based systems in workplaces, rapid scaling of the workforce key technology areas, recruitment and training for law enforcement, and burnout among healthcare professionals.

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 findings developed through this Federal investment enhance business practices, policymaking, and collaboration. SBE has been highly responsive to the transformative events of the past few years. For instance, NSF SBE has provided the foundation for I–O psychologists to understand how technologies like AI affect American workers and ensure the workforce is prepared to fully realize the possibility of AI while mitigating potential harms. Other applications of I–O psychology include transitioning veterans and service members to civilian jobs, identifying individuals with capacity for high-stress jobs in law enforcement or cybersecurity, and developing preventative sexual harassment workforce interventions, among many others.

SIOP applauds NSF and Congress for their increased investments in the TIP Directorate. Continued integration of social and behavioral sciences into the TIP Directorate's activities will ensure that NSF and the Nation remains on the cutting edge of scientific advancement.

Given NSF's critical role in supporting fundamental research and education across science and engineering disciplines, SIOP supports an overall FY 2025 NSF budget of $11.9 billion. SIOP requests continued and 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. SIOP also requests the TIP Directorate continue to use their increased funding to support innovative research, including in the social and behavioral sciences.

Graduate Student Education.—SIOP requests that Congress encourage NSF to robustly support graduate education support programs, particularly as they relate to mentoring, innovative career exploration, and work-based learning opportunities. SIOP's professional membership spans academia, industry, government, and military. Additional funding and opportunities for graduate students to explore career paths in industry and government and participate in work-based learning experiences are critically important to grow the Nation's scientific workforce and industrial base.

As acknowledged by its inclusion in the *CHIPS and Science Act of 2022* (CHIPS+), NSF encourages a stronger STEM workforce among Americans if we are going to outpace our global competitors and tap into the full potential of American ingenuity. To this end, it is critical that NSF receive funding increases in order to fully implement the authorized programs supporting graduate STEM education in Section 10313 of CHIPS+. The programs authorized through CHIPS+ will allow NSF to provide much needed additional support for STEM graduate students and broaden the pipeline of who receives a graduate degree in STEM. CHIPS+ authorized programs in mentorship, research, professional development, and support for innovative ca-

reer exploration and work-based learning opportunities that are essential to ensuring our STEM graduate students persist through graduation and enter the American STEM workforce.

REQUESTED REPORT LANGUAGE

Graduate Education.—The Committee recognizes the important role advanced degree holders play in our innovation ecosystem and urges NSF to robustly support the graduate education programs authorized by Section 10313 of the CHIPS and Science Act (Public Law 117–167). In making awards through current and new programming, NSF should prioritize inclusion of career explorations opportunities for graduate students supported by the program.

Future of Work.—In addition to considering in which technology areas to invest or how to accelerate technological development, SIOP encourages the TIP Directorate to take additional actions to holistically address potential societal challenges across emerging technology areas, especially as they pertain to the workforce and workplace. SIOP appreciates TIP's recent efforts that begin to get at this issue, including the launch of the Responsible Design, Development, and Deployment of Technologies (ReDDDoT) and Experiential Learning for Emerging and Novel Technologies (ExLENT) programs, but programs like this have been a small part of the TIP portfolio that has largely focused on technology translation and the creation of new jobs.

To this end, there should be more dedicated programming for research on end-users of these technologies to identify and mitigate disruptive impacts, especially in the workplace. This research should seek to relieve job loss and achieve a productive, augmented workforce with high levels of employee wellbeing. I–O psychologists have been heavily involved in research to address the impact of new technologies in the workplace, including robotics and artificial intelligence (AI). For example, to address the unique challenges and considerations that arise when using AI-based assessments and hiring procedures, SIOP released Considerations and Recommendations for the Validation and Use of AI-Based Assessments for Employee Selection, a report that includes measurement suggestions to address bias and other core issues.[1]

NSF could make significant progress toward these goals by launching a revitalized version of the Future of Work at the Human-Technology Frontier initiative (FW–HTF).[2] FW–HTF was one of NSF's "10 Big Ideas" for cross-disciplinary investment that had a vision to "support multi-disciplinary research to sustain economic competitiveness, to promote worker well-being, lifelong and pervasive learning, and quality of life, and to illuminate the emerging social and economic context and drivers of innovations that are shaping the future of jobs and work."[3] While there have been a few one-off solicitations in recent years, the program as a largescale investment priority largely sunset just when global competitiveness trends and complementary Federal investments in new technology areas made its work even more pressing. Congress should encourage NSF to redouble their commitment in this space by evaluating scientific needs for the next phase of FW–HTF and developing a plan to launch this new effort.

REQUESTED REPORT LANGUAGE

Future of Work.—The Committee encourages the TIP Directorate to collaborate with other Directorates to increase dedicated investments in research that holistically addresses disruptions to the workforce and workplace brought on by emerging technologies. This could include a revitalized version of the Future of Work at the Human-Technology Frontier Initiative to harness multi-disciplinary research on the adoption and broader impacts of key technology focus areas in the workforce and workplace.

Research on Individuals with Disabilities and Neurodiversity.—While NSF has made great strides in ensuring that the benefits of its funded research impact all our Nation's individuals and communities, there still exists research gaps around participation of individuals with disabilities and neurodiverse individuals in the workplace. Ensuring full participation of all individuals in the workforce will help the Nation address critical workforce shortages and expand perspectives considered when developing new advancements. I–O psychologists have expertise in recruiting,

---

[1] https://www.siop.org/Research-Publications/Items-of-Interest/ArtMID/19366/ArticleID/7327/SIOP-Releases-Recommendations-for-AI-Based-Assessments.

[2] https://www.nsf.gov/eng/futureofwork.jsp.

[3] https://new.nsf.gov/funding/opportunities/future-work-human-technology-frontier-core.

training, and supporting these individuals to maximize strengths and ensure equitable treatment.

Despite this pressing need, NSF has not fully invested in research on how to best support these communities. Much of NSF's prior support for research on neurodiversity was through the now-sunset Future of Work at the Human-Technology Frontier initiative. SIOP requests that Congress encourage NSF to prioritize research on neurodiversity and individuals with disabilities' participation in the workforce via new offerings, Dear Colleague Letters, and other mechanisms.

Department of Justice (DOJ) Community Oriented Policing Services (COPS) Office.—DOJ's COPS Office is responsible for advancing the practice of community policing by the Nation's State and local law enforcement agencies through information and grant resources. COPS grant programs target important policing needs, such as the Hiring Program (CHP), which has grown substantially in recent years and will provide $156.6 million for law enforcement agencies in FY 2024. Hundreds of law enforcement agencies have benefited from CHP, but little is known about recipients and the unique issues they face in key areas like recruitment and retention. Collectively, COPS recipients make up an ideal study group to explore important questions over factors that drive people toward careers in policing, as well as what may drive people away.

COPS has made progress toward addressing evidence—based solutions, signing a Memorandum of Understanding (MOU) with SIOP in September 2022. The MOU is the first COPS has signed with a scientific society to increase the knowledge and application of I–O in law enforcement and to help cultivate more safe and effective law enforcement workplaces. Congress should encourage COPS to build on this momentum to support the development of studies to help COPS awardees better understand what works and how to more effectively leverage Federal funding to support their communities. This should include funding for COPS to support an evaluation study of its largest program, CHP, to help COPS better understand common recruitment, hiring, and retention practices and leverage the findings to target future Federal assistance.

REQUESTED REPORT LANGUAGE

Workforce Study.—The Committee recognizes the importance of the COPS Hiring Program, but is concerned that little is known about specific challenges facing grantees. The Committee encourages COPS to carry out a voluntary assessment of COPS Hiring Program recipients to understand workforce challenges facing police departments, identify best practices, and collect other findings to better target future technical assistance programming. In carrying out this study, the COPS Office shall enter into a partnership with qualified organizations with extensive expertise in workforce and workplace sciences, such as I–O psychology.

Thank you for the opportunity to offer SIOP's support for NSF social and behavioral sciences research, the future of work, research on neurodiverse individuals, and workforce studies via the DOJ COPS Office. Please do not hesitate to contact SIOP should you have any questions.

Additional information is also available at www.siop.org.

[This statement was submitted by Dr. Alexis Fink, President.]

PREPARED STATEMENT OF SOCIETY FOR NEUROSCIENCE

Chair Shaheen, Ranking Member Moran, and members of the subcommittee, on behalf of the Society for Neuroscience (SfN), we are honored to present this testimony in support of robust appropriations for biomedical research at the National Science Foundation (NSF). SfN urges you to provide at least $11.9 billion, an increase of approximately $2.8 billion, in base-level funding for NSF in FY25. For researchers nationwide, the ability to make life-changing advancements in neuroscience depends on significant and sustained Federal funding.

One area of my lab's research at the Department of Psychiatry at Yale School of Medicine focuses on the role of single molecules and circuits in complex behaviors related to learning and motivated behavior. We are also interested in the relevance of these processes to addiction and mental health processes. With key Federal funding, my lab recently discovered neurons that respond consistently to a primary reward, and that the response of these neurons scale with the size of the reward. Our research is now clarifying the role these neurons and others play in behavior and motivation. Basic research, like my own, provides understanding about the brain at a deep level, which paves the way for the development of novel therapeutics that will prevent and treat debilitating medical disorders. Continued progress depends

on sustained Federal funding at a level that at a minimum, keeps pace with inflation.

THE IMPORTANCE OF THE RESEARCH CONTINUUM

SfN believes strongly in the research continuum-a pipeline, in which basic science leads to clinical innovations, which leads to translational uses impacting the public's health, reducing long-term medical costs and generating new jobs across the country. Basic science is the foundation upon which all health advances are built. For example, the first mRNA vaccine to receive FDA approval, which likely saved millions of lives during the COVID–19 pandemic, were made possible due to decades of prior research by chemists and chemical engineers on lipid nanoparticles. To cure diseases, we must first understand them through fundamental discovery-based research.

SfN is grateful to Congress for its support of the important mission of the NSF, which includes a focus on promoting the progress of science and advancing the National health, prosperity, and welfare, through increased appropriations in recent years. NSF funding for basic research is not only critical for enabling groundbreaking discoveries; it is essential for building our scientific workforce. For the United States to remain the world leader in biomedical research and to maintain and grow opportunities across areas of science, Congress must continue to fund the training pipeline of the scientific workforce. Young trainees today are the ones who will make the key discoveries of the future. The deeper our grasp of basic science, the more successful those focused on clinical and translational research will be. Neuroscientists use a wide range of experimental, animal, and human models not used elsewhere in the research pipeline. These opportunities create discoveries—sometimes unexpected discoveries—expanding knowledge of biological processes. This level of discovery reveals new targets for research to treat all kinds of brain disorders affecting millions of people in the United States and beyond.

NSF basic research funding is also a key economic driver of science at universities and research organizations across the country and generates jobs in all States across the Nation. Federal investments in scientific research fuel the Nation's pharmaceutical, biotechnology and medical device industries. The private sector utilizes basic scientific discoveries funded through NSF to improve health and foster a sustainable trajectory for America's Research and Development (R&D) enterprise. Basic science generates the knowledge needed to uncover the mysteries behind human diseases, which leads to private sector development of new treatments and therapeutics. Industry typically does not fund research on this important first step given the long-term path of basic science and pressure for shorter-term return on investments. Congressional investment in basic science is irreplaceable in the pipeline for development of drugs, devices, and other treatments for brain related diseases and disorders.

The Understanding the Brain project is an example of NSF's success by enabling scientific understanding of the full complexity of the brain through targeted, cross-disciplinary investments in research, technology, and workforce development. NSF's strategic investments will support research and infrastructure designed to transform our view of who we are and SfN appreciates Congress' ongoing investment in NSF to continue this work. Additionally, a recent exciting advancement in NSF-funded neuroscience research includes the following:

Researchers Find Deep Brain Stimulation During Sleep is Linked to Memory

With an aging U.S. population, memory is becoming an ever more important area to study. Using funding from NSF, researchers at the University of California, Los Angeles and Tel Aviv University used a novel system to deliver electric pulses that activated part of the brain and were synchronized with brain activity recorded in the hippocampus where memories are stored. Importantly, these researchers found evidence that targeted deep brain stimulation during a critical time during sleep improves memory consolidation. This critical finding provides new insights into memory consolidation during sleep and can be used to create new therapies for memory disorders such as Alzheimer's disease.

Funding in Regular Order

SfN joins the biomedical research community in supporting an increase in NSF funding to at least $11.9 billion in FY25. This proposed increase is necessary to provide certainty to the field of science, allow for the exploration of new scientific inquiry, train the next generation of scientists, and foster increased economic growth and further improvements in the public's health. Further cuts to discretionary investments would have a devastating impact on NSF-funded research and would hurt the country's ability to maintain its international competitiveness in this space.

Equally important is ensuring that funding is enacted in a reasonable time frame. Long-term continuing resolutions have significant consequences on research, including restricting NSF's ability to fund grants. For some of our members, this means waiting for a final decision to be made on funding before knowing if their perfectly scored grant will be realized or operating a lab at a diminished capacity until appropriations are final. These delays can be devastating for trainees seeking to begin their careers. All the positive benefits research provides in this country are negatively impacted by these real time considerations. SfN strongly supports the appropriation of NSF funding in a timely manner, in order to avoid delays in approving new research grants or reductions in funding for already approved research funding.

SfN thanks the subcommittee for your strong and continued support of biomedical research and looks forward to working with you to ensure the United States remains the global leader in neuroscience research and discovery. Collaboration among Congress, the NSF, and the scientific research community has created great benefits for not only the United States but also people around the globe suffering from brain-related diseases and disorders. On behalf of the Society for Neuroscience, we urge you to continue this critical cooperation and support of biomedical research.

[This statement was submitted by Marina Picciotto, Ph.D., President.]

PREPARED STATEMENT OF STRONGER AMERICA THROUGH SEAFOOD

Dear Chair Shaheen and Ranking Member Moran,

Stronger America Through Seafood, a coalition of industry partners representing the seafood supply chain, is working in support of increased U.S. production of healthful, sustainable, and affordable seafood. We are writing today to request that you support $25 million for NOAA's National Marine Fisheries Service (NMFS) Office of Aquaculture and $14.08 million for NOAA's Ocean and Atmospheric Research (OAR) for the Sea Grant Aquaculture Research program in the fiscal year 2025 Commerce, Justice and Science (CJS) Appropriations Act. We also request the language below be included in the related Explanatory Statement:

> "The Committee recognizes the significant potential for development of American offshore aquaculture to increase U.S. production of healthful, sustainable and affordable seafood. As the fastest growing food production sector in the world, responsible aquaculture development presents opportunities for meaningful economic growth in coastal communities and among their supply chain partners, while ensuring that Americans have access to responsibly farmed local seafood. The National Marine Fisheries Service Aquaculture program's 5-Year strategic plan for aquaculture will support a U.S. aquaculture industry as part of a competitive domestic seafood sector. The Committee fully supports the activities of the Aquaculture Program and includes $25,000,000 to implement this strategic plan, including continued work on Aquaculture Opportunity Areas, environmental assessments, science-based tools and modeling and increased economic development programs."

Aquaculture is the fastest growing food production sector in the world and is responsible for nearly all global seafood supply growth since the 1990s. With half of all seafood consumed today being farm raised, aquaculture presents a unique opportunity to build an American seafood industry that can support a diverse workforce, enhance sustainable ecosystems and guarantee healthful, locally sourced protein for American consumers.

Today, the U.S. lags far behind the rest of the world in farmed seafood production, resulting in the U.S. importing up to 85% of its seafood. The single biggest reason is the lack of a clear regulatory pathway for permitting new projects, particularly offshore. This challenging reality has forced many American businesses to invest in other countries.

As you may know, the National Marine Fisheries Service (NMFS)'s Aquaculture Program is implementing a 5-year strategic plan laying out a framework to "help achieve a robust, thriving, and diverse U.S. aquaculture industry as part of a resilient seafood sector." They continue to actively coordinate across agencies towards a comprehensive regulatory foundation for aquaculture. This process includes siting analysis for future Aquaculture Opportunity Areas (AOAs) in Federal waters, interagency coordination on National Environmental Protection Act (NEPA) review and Environmental Impact Statements (EIS), development of science-based tools and modeling, and associated economic development programs like workforce training and community planning that will ensure the economic benefits of aquaculture are

realized across all stakeholder groups. Further, the Fiscal Year 2024 CJS Appropriations bill provided for a new Cooperative Institute (CI) to support the sustainable development of aquaculture in the U.S. to address the seafood import deficit and benefit the economy. The CI will help the agency fulfill the tenets of the NOAA Aquaculture Strategic Plan.

The program needs additional funds to adequately fulfill its mission, and we believe a funding level of $25 million will meet these needs.

In addition, we seek $14.08 million in funding for Sea Grant Aquaculture Research. The President's Fiscal Year 25 budget request zeroes out this important program that provides marine aquaculture research and development. SATS supports this program for its important work to develop and commercialize new technologies for finfish aquaculture and to engineer ocean-based infrastructure.

By prioritizing domestic aquaculture, you will support the growth of an American seafood community that is resilient to economic and climate changes and is part of a holistic approach to a greater sustainable food strategy.

We appreciate your consideration of this request and look forward to working with you to ensure domestic aquaculture production is a priority now for a secure future.

[This statement was submitted by Drue Banta Winters, Campaign Manager.]

PREPARED STATEMENT OF U.S. CENSUS BUREAU

We write as demographic industry leaders and leading experts on demographic and census data to call your attention to an opportunity to mitigate the 2020 Census undercounts of rural residents, young children, various racial and ethnic groups, and the States of Arkansas, Florida, Illinois, Mississippi, Tennessee, and Texas.

While we do not underestimate the difficulty you face in funding the Nation's conflicting needs, this is an opportunity to improve at a minor cost fully achievable in the current fiscal landscape: an increase of $6.2 million for FY 25 for the "Intercensal Estimates" budget line will help rightsize the distribution of $2.8 Trillion in Federal funding for States and communities.

This is a compelling opportunity which should enjoy broad support. As the Wall Street Journal editorial board noted in 2022 following the release of the Census Bureau's measure of census accuracy, "It's too late to change the reapportionment, but the Administration should take the new data into account in Federal funding formulas."

Congress did well to reverse decades of reductions in FY 24 and begin to invest in modernizing the Population Estimates. After the 2020 Census, funding for the estimates was down 20% in real dollars from the 2003 level, and staffing was down by a third—at a time the estimates staff had to produce updates to a flawed decennial. Continued investment in the estimates will allow the Census Bureau to produce better intercensal estimates—and provide more accurate measures of American life, from disease prevalence to regional unemployment rates: all the practical everyday things that an accurate census supports.

We also support preparation for a successful 2030 Census, and an increase in the sample size for the American Community Survey. To do so, we endorse the Census Project's recommendation to increase the Census Bureau's FY 25 funding level to $2 Billion.

Sincerely,

Rachel Cortes, Chief Demographer Claritas
Andrew A. Beveridge, CEO, Social Explorer
William H. Frey, Senior Fellow, Brookings Metro
Bill O'Hare, President, O'Hare Data and Demographic Services, LLC
Christopher Dick, Founder, Demographic Analytics Advisors

PREPARED STATEMENT OF UNIVERSITY OF ILLINOIS SYSTEM

The University of Illinois System appreciates the opportunity to provide testimony in support of Fiscal Year (FY) 2025 appropriations for the National Science Foundation (NSF). We encourage Congress to provide NSF with at least $11.9 billion in FY2025.

The U of I System is a world leader in research and discovery, and the largest educational institution in the state with more than 94,700 students, and about 28,000 faculty and staff. Our universities in Urbana-Champaign, Chicago and Springfield have produced about 445,000 alumni living in Illinois. The U of I System

awards more than 27,000 undergraduate, graduate and professional degrees annually.

The U of I System has long been a leading recipient of grant funding from NSF, with more than $164 million in NSF research expenditures in FY2023. The University of Illinois Urbana-Champaign is the top university recipient of NSF funding in the country and leads many large-scale NSF-sponsored research projects that are addressing grand challenges, including an Engineering Research Center (POETS), a Quantum Leap Challenge Institute (HQAN), a Materials Research Science and Engineering Center (I–MRSEC), a Science and Technology Center (QCB), and three AI Institutes (focusing on agriculture, STEM learning, and molecular synthesis). The University of Illinois Chicago is leading an NSF grant to develop theories, research methods, and tools to help expand and tailor the field of STEM education to support Black students.

Having spent 4 years as assistant director for geosciences at NSF, I can personally attest to the fact that the agency is the cornerstone of America's basic research enterprise. By supporting merit-based fundamental research across disciplines at universities throughout the Nation, NSF plays a major role in ensuring that the United States remains at the forefront of science and innovation. NSF-supported research has enabled groundbreaking discoveries and novel technologies throughout the agency's nearly 75-year history. This fundamental research provides a wide range of societal benefits and economic impact, and often establishes the knowledge base and training to advance U.S. innovation.

Congress recognized the crucial role that NSF plays in advancing innovation and competitiveness when it passed the CHIPS and Science Act in 2022. Unfortunately, funding for NSF is far below the levels authorized in that legislation. While the CHIPS and Science Act authorized $15.65 billion for NSF in FY2024, Congress appropriated just over $9 billion. Along with many other institutions of higher education, the U of I System was deeply concerned about the 5% cut that was imposed on the NSF budget for FY2024 and the impact that this cut will have on our Nation's research ecosystem.

We appreciate the challenging fiscal environment that your subcommittee faces. As you draft your FY2025 appropriations bill, we hope you will support a much-needed funding increase for existing NSF programs.

Thank you for your consideration of this request and for your prior support for the NSF.

[This statement was submitted by Timothy L. Killeen, President.]

PREPARED STATEMENT OF VERA INSTITUTE OF JUSTICE

Chair Shaheen (D–NH), Ranking Member Moran (R–KS), and distinguished members of the subcommittee; on behalf of the Vera Institute of Justice (Vera), I write to urge you to ensure a strong investment in immigration legal services in Fiscal Year (FY) 2025. It is imperative that we address the urgent need for legal representation for all people facing removal who are unable to afford it. Such funding is an essential step to help fix an inefficient, outdated, and unjust immigration system.

Our budget request urges the allocation of $400 million to the Department of Justice to enhance the availability and quality of legal representation for adult noncitizens in removal proceedings. This funding will support the provision of counsel for indigent noncitizens facing deportation and its devastating consequences, including for lawful permanent residents, DACA recipients, and various visa and immigration status holders. It addresses a critical gap in our adversarial immigration system, as most individuals facing deportation lack representation.[1] This funding will also reduce the harsh consequences for mixed status families (including United States citizens) and Lawful Permanent Residents (LPRs), who are often separated as a result of deportation.

Funding for legal representation is essential to supporting the rights of noncitizens during deportation proceedings and is especially critical given the large and growing immigration court backlog. The consequences of losing a case in immigration court can be devastating, including permanent separation from family and community, exile to an unknown country, long-term detention, and the prospect of persecution, torture, and death. Having a lawyer helps people understand their rights

[1] Executive Office for Immigration Review (EOIR), "EOIR Case Data (March 2024)," database (Falls Church, VA: EOIR, 2024), https://www.justice.gov/eoir/foia-library-0.

and access forms of immigration relief for which they may be legally eligible.[2] Legal representation is thus critical in empowering eligible noncitizens to successfully obtain the relief and protections that our laws provide for them. Having legal representation also reduces the need for immigration judges to continue cases so that unrepresented people can find representation, helping to reduce long immigration court case times and reducing government spending.[3] Additionally, noncitizens in removal proceedings who have legal representation nearly always appear for their immigration court hearings, reducing in absentia removal orders and helping bring more cases to conclusion.[4]

But despite the dire consequences of deportation and the critical role of representation, people in 63 percent of all immigration court cases are unrepresented by counsel, and detained people face proceedings without counsel in a staggering 83 percent of cases.[5] Our immigration system is nearly impossible to navigate without counsel, and lack of financial resources should not be a cause for lack of representation. Federal funding is critical to addressing the financial barrier to legal representation in removal proceedings so that all immigrants have a chance to defend against deportation, remain rooted with their families and communities, and contribute to the stability and prosperity of their communities.

The president's FY24 budget request included $150 million to provide access to representation for adults and families in immigration proceedings, recognizing the importance of enhancing fairness and equity in case processing. Because of the substantial and growing need for legal representation, we urge you to allocate an additional $400 million to the Department of Justice in the FY25 funding bill, ensuring sufficient resources to improve the accessibility and quality of legal representation for people facing deportation. Additionally, we request that $50 million of this funding be made available to address immediate staffing shortages of legal services providers and to enable States, local governments, and community organizations to build the infrastructure necessary to meet the increasing need for immigration legal representation and help address the urgent immigration court backlog.

Our estimates indicate that this funding would enable legal representation for approximately 27,000 people on the detained and non-detained immigration court dockets, while also investing in a strong foundation for future representation needs. While this will not meet the full need for representation, it is an important investment in a future where the United States has an immigration system that is fair, just, and efficient-enabling the safety, stability, and prosperity of communities across the country.[6]

We extend our gratitude to Representative Norma Torres (D–CA 35) and Senator Cory Booker (D–NJ) for their leadership in spearheading the Dear Colleague letters advocating for increased funding for legal representation for FY25. Their dedication to ensuring access to justice for all is greatly appreciated. Additionally, we are proud to have led an organizational letter in support of this funding request, which gathered more than 100 signatures from local and national organizations.[7]

In conclusion, we urge the subcommittee to prioritize funding for legal representation for adults facing removal proceedings. This investment is crucial to protecting the due process rights of immigrants facing deportation, enhancing fairness in immigration proceedings, maintaining family unity, and alleviating the strain on our overloaded immigration system.

Thank you for your attention to this matter.

Sincerely,

Annie Chen, Initiative Director
Advancing Universal Representation Initiative

---

[2] Ingrid V. Eagly & Steven Shafer, "A National Study of Access to Counsel in Immigration Court," University of Pennsylvania Law Review 164, no. 1 (2015), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn__law__review.

[3] Ibid., 60.

[4] Nina Siulc and Noelle Smart, Evidence Shows That Most Immigrants Appear for Immigration Court Hearings (New York: Vera Institute of Justice, 2020), https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf.

[5] EOIR, "EOIR Case Data (March 2024),".

[6] See, for example, Fwd.us, "Immigration Facts: The Positive Economic Impact Of Immigration," July 21, 2020, https://www.fwd.us/news/immigration-facts-the-positive-economic-impact-of-immigration.

[7] Vera Institute of Justice and National Partnership for New Americans, "Over 100 Immigrant Rights Organizations Urge Congress to Fund Legal Representation for People Facing Deportation," press release, April 22, 2024, https://www.vera.org/newsroom/over-100-immigrant-rights-organizations-urge-congress-to-fund-legal-representation-for-people-facing-deportation.

PREPARED STATEMENT OF VOICE OF THE EXPERIENCED

Thank you for the opportunity to present testimony before your subcommittee. This statement is regarding the Bureau of Prison's (BOP) planned construction of Letcher County, KY facilities and its related unobligated $504 million funds in the BOP's Building and Facilities account, which I respectfully request the subcommittee rescinds. Please find below my statement in my capacity as General Counsel of Voice of the Experienced (VOTE). VOTE is a membership-based organization that works to restore the full human and civil rights of those impacted by the criminal justice system. We have members who (1) have been incarcerated in the Federal Bureau of Prisons (BOP); and (2) have had or currently have loved ones incarcerated in the BOP. Many of our members specifically have experiences of incarceration in Kentucky and the BOP's mid-Atlantic region. VOTE is opposed to the construction of FCI Letcher and wishes to specifically reference a 2023 economic study conducted by the Kentucky Center for Economic Policy called "Facts Don't Support Economic Argument for Proposed Federal Prison in Letcher County." See https://kypolicy.org/letcher-county-prison-will-not-help-economy/.

This study specifically States the following:

In the wake of last year's devastating eastern Kentucky floods, the Federal Government reintroduced a previously-defeated proposal to build a new Bureau of Prisons (BOP) prison and "prison camp" in Letcher County.[1] If implemented, the project would add a fourth Federal prison to southeastern Kentucky—which already has one of the highest concentrations of Federal correctional facilities nationwide—and would direct a nearly $500 million Federal investment in prison beds at a time when the region desperately needs substantial investment in flood recovery efforts.

While proponents claim the Federal prison project would bring countless economic benefits to Letcher County, research and data do not support this argument. Nearby Clay, Martin and McCreary counties remain among the poorest in the state, and within one of the poorest congressional districts in the Nation, despite Federal prisons operating in these counties for two to three decades. Eastern Kentucky has the opportunity to improve economically with Federal investments that don't perpetuate the harms of mass incarceration, which already has a vicious hold on Kentucky.

If Kentucky was a country, it would already rank seventh-highest in the world for its incarceration rate, including those in county jails, state prisons and Federal prisons.[2] The state also incarcerates 40% more people per capita than the U.S. average.[3] And the eastern Federal judicial district of Kentucky already has more Federal prisons than any of the other 93 such districts in the country.[4] Adding another Federal prison would only further entrench mass incarceration in Kentucky at a time when many places are beginning to reverse course.[5]

The original discussion of a high-security Federal prison in Letcher County formally started in 2006 when Congress authorized a study for the facility. The proposal was approved for a site in Roxanna in 2018, but was withdrawn in 2019 after a lawsuit on behalf by a local landowner, 21 individuals incarcerated in Federal prisons, concerned local citizens and other Kentucky residents. The plaintiffs asserted that the prison was unnecessary given BOP's own projections about a falling prison population, that there would be environmental harms caused by the construction of the proposed prison and that people incarcerated in the prison would be exposed to toxic chemicals from coal extraction that had previously occurred on the land.[6]

The new iteration of the Federal Letcher County prison officially began on Sept. 28, 2022, just months after devastating flooding in the area, when BOP filed a no-

---

[1] Federal Bureau of Prisons, "Proposed Federal Correctional Institution and Federal Prison Camp," Letcher County, Kentucky, https://www.proposed-fci-letchercountyky.com/.

[2] Emily Widra and Tiana Herring, "States of Incarceration: The Global Context 2021," Prison Policy Initiative, Sept. 2021, https://www.prisonpolicy.org/global/2021.html.

[3] Prison Policy Initiative, "Kentucky Profile,"https://www.prisonpolicy.org/profiles/KY.html.

[4] WEKU, "Rise," Episode 7, March 30, 2023, https://www.weku.org/podcast/rise/2023-03-30/rise-episode-7.

[5] Nagzol Ghandnoosh, "Ending 50 Years of Mass Incarceration: Urgent Reform Needed to Protect Future Generations," The Sentencing Project, Feb. 8, 2023, https://www.sentencingproject.org/policy-brief/ending-50-years-of-mass-incarceration-urgent-reform-needed-to-protect-future-generations/. Carmen Mitchell, Pam Thomas, Ashley Spalding and Dustin Pugel, "In Decade Since Major Criminal Justice Reform, the Kentucky General Assembly Has Passed Six Times as Many Laws Increasing Incarceration as Decreasing It," Kentucky Center for Economic Policy, Dec. 9, 2021, https://kypolicy.org/kentucky-general-assembly-has-passed-six-times-as-many-laws-increasing-incarceration-as-decreasing-it-since-2011/.

[6] Judah Schept, "Coal, Cages, Crisis: The Rise of the Prison Economy in Central Appalachia," New York University Press, 2022.

tice of intent to prepare a draft environmental impact statement (EIS) for the facility.[7] At a subsequent public meeting in Whitesburg, a representative for Congressman Hal Rogers stated that BOP prisons already in three eastern Kentucky counties have had a positive economic impact, "boosting the tax base and strengthening our local workforce," and that the new BOP proposed prison was an economic opportunity for Letcher County.[8]

Southeastern Kentucky already has three Federal prisons, and several more state prisons, yet continues to see out-migration of the population and remains among the poorest regions in the country.

We examined economic indicators for nearby Clay, Martin and McCreary counties from before and after a Federal prison opened in each locality (1992, 2003 and 2004, respectively). Our analysis of county-level economic data shows that rather than economic improvement, longstanding problems have continued or even worsened two to three decades after the Federal prisons opened in these counties. Total employment has continued to fall, poverty remains among the highest in the country, and median household incomes have remained low.

Clay, Martin and McCreary Counties have continued to see steep declines in employment and population numbers. Since the respective year each prison was opened, Clay County has seen an approximate 20% drop in number of people employed, Martin County has seen a 43% drop, and McCreary County has seen a 14% drop.[9] Residents have also continued to move out. Since the prisons opened, Clay County has lost 11% of its population; Martin County has lost 13%; and McCreary County has lost 3%.[10]

In addition, poverty rates did not improve in these counties after the prisons opened up. Poverty in Martin and McCreary counties remains high and did not decline after Federal prisons opened there. Poverty in Clay dropped in the 1990s after the prison opened but then rose again, but that temporary drop was later reversed and mirrored what happened in other counties and statewide during the 1990s.

In the period since the prisons were built, median household income has remained relatively flat in Clay, Martin and McCreary Counties. Clay County saw a small increase in the 1990s, but so did the other counties that did not have new prisons at the time as well as the state as a whole. Median household income in these eastern Kentucky counties has remained very low as well—around $30,000 a year.

In addition, Clay, Martin and McCreary counties remain among the most economically distressed localities in the entire country:

—The poverty rate in Clay County is 35.9%, in Martin County it is 40.5% and in McCreary County it is 33.5%.[11]
—Of all 3,143 counties in the United States, Martin County is the 5th poorest, Clay County is the 14th poorest and McCreary County is the 32nd poorest.[12]
—The median household income in Martin County is only $29,387, in Clay County $30,700 and in McCreary County $32,938.[13]
—Of all 3,143 counties in the United States, Martin County has the 8th lowest median household income, Clay County has the 15th-lowest and McCreary County has the 30th lowest.[14]

There is a significant amount of literature finding no relation between prison building and positive economic effects, and some evidence that it can actually harm economic development. For example, a study of prison building in central Appalachia found that, although unemployment rates are lower in counties with a prison, per capita incomes are lower and poverty rates are higher.[15] A study of rural counties found that in those with low levels of education in particular, such as those in eastern Kentucky, new prisons can do more economic harm than good.[16] There are

---

[7] Making Connections News, "Scoping a Letcher County KY Prison," Dec. 21, 2022, https://www.makingconnectionsnews.org/2022/12/scoping-a-letcher-county-ky-prison/. KyPolicy submitted public comments via email: Kentucky Center for Economic Policy, "Comments re: Economic Implications of Federal Prison Proposal in Letcher County, Kentucky," Nov. 30, 2022.

[8] Federal Bureau of Prisons, Scoping Meeting, Letcher County Central High School, Nov. 17, 2022.

[9] Bureau of Labor Statistics, Current Population Survey.

[10] U.S. Census, Kentucky State Data Center population estimates.

[11] U.S. Census, Small Area Income and Poverty Estimates, 2021.

[12] Id.

[13] Id.

[14] Id.

[15] Robert Todd Perdue and Kenneth Sanchagrinm, "Imprisoning Appalachia: The Socioeconomic Impacts of Prison Development," Journal of Appalachian Studies, 22:2, Oct. 2016, 210–223.

[16] Gregory Hooks, Clayton Mosher, Shaun Genter, Thomas Rotolo and Linda Lobao, "Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level

a number of reasons for a lack of economic benefits from new Federal prisons. First, many of the jobs from a Federal prison come from outside of the community. Federal prisons must be operated with trained staff experienced in the system that typically must be brought in from elsewhere. There are significant criteria for BOP employees, including requirements for age, drug testing, credit checks, and criminal legal system record checks as well as education and experience preferences that many local residents would not meet.

Additionally, there are significant local costs accrued by communities operating prisons. Prison building requires local spending on infrastructure, including highways and roads, water and sewer systems, and electricity infrastructure. Taking privately owned land off the local tax rolls would also mean less money for public schools and local governments. Local community members can end up competing with individuals incarcerated in the Federal prison for jobs in the community due to the lower costs of employing incarcerated people for public works and other jobs.

There are also harmful crowd-out effects from prison building, and little to no positive spin-offs. By reducing quality of life and harming the reputation of a community, a prison can make it less attractive to future outside investment or in-migration, and can induce out-migration. Prisons can make communities less attractive for tourism and amenity development that attracts visitors and investment. Prisons lack strong linkages to the local economy, resulting in few positive economic multiplier effects from their operation. There are also opportunity costs associated with investing in a prison, resources that can be better spent elsewhere.

Finally, although prison proponents often describe them as "recession-proof," in fact relying on prison building is an increasingly risky bet in this political environment. The original Letcher prison proposal was cancelled in part because Federal criminal justice reform resulted in a reduced prison population that no longer made it necessary.[17] Increased advocacy efforts and actions to reduce the extremely high levels of U.S. mass incarceration raise serious questions about the long-term viability of any new Federal prison.

Rather than an investment of $500 million for a Federal prison, eastern Kentucky communities need significant investments in flood recovery, in addition to other infrastructure needs and community services and supports—all of which would have a much better economic payoff, including:

—Providing housing and other supports for people impacted by recent storms
—Investing in flood resilience and prevention
—Remediating and reforesting degraded land
—Funding child care, drug treatment, public health and other needs.

With consideration of this information from the Kentucky Center on Economic Policy, I urge you to consider rescinding the funding allocated to construct FCI Letcher. This prison is not needed and will adversely impact the region's economy and not provided the jobs and economic growth claimed by its proponents.

[This statement was submitted by Emily H. Posner, Esq., General Counsel.]

PREPARED STATEMENT OF WESTERN GOVERNORS' ASSOCIATION

Chair Shaheen, Ranking Member Moran, and Members of the subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide testimony on items within the jurisdiction of the subcommittee on Commerce, Justice, Science, and Related Agencies, including the U.S. Department of Commerce (DOC), U.S. Department of Justice (DOJ), National Aeronautics and Space Administration (NASA), and National Science Foundation (NSF). 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 underscore the importance of a close and productive working relationship between States, territories, and the Federal Government and understand that more effective cooperation depends on Federal recognition of States as co-sovereigns and partners. The promotion of greater partnership between States and the Federal Government is central to the mission of WGA and is reflected in

---

Employment, 1976–2004," Social Science Quarterly, Jan. 2010, https://onlinelibrary.wiley.com/doi/full/10.1111/j.1540-6237.2010.00690.x.

[17] John Gramlich, "Under Trump, the Federal Prison Population Continued its Recent Decline," Feb. 17, 2021, https://www.pewresearch.org/fact-tank/2021/02/17/under-trump-the-federal-prison-population-continued-its-recent-decline/.

the Governors' Policy Resolution 2024–01, Strengthening the State-Federal Relationship. Given the numerous Federal programs, policies, and regulations directly affecting States and territories, Western Governors encourage the subcommittee to direct Congress and Federal agencies to improve their internal processes and coordinate with States and territories on Federal policies and procedures, as well as integrate State and territorial data into Federal programs, including for policymaking purposes.

WGA also commends your attention to other Western Governors' resolutions that articulate policy positions relevant to the subcommittee's work. These include Policy Resolutions 2023–06, Rural Development; 2023–07, Broadband Connectivity; 2022–05, Cybersecurity; 2023–09, Missing and Murdered Indigenous Persons; 2024–04, Combating the Opioid Crisis; and 2021–08, Water Resource Management in the West.

The Economic Development Administration (EDA) plays a critical role in rural economic development. Communities across the West are envisioning transformative and systems-wide solutions to meet their unique needs, and EDA should be responsive to these community-led approaches. Western Governors urge increased flexibility in the allowable uses of EDA funds so that rural communities can prioritize the investments that work best for them.

Western Governors recommend an increase in the proportion of economic development and infrastructure funding that goes toward capacity building, and Congress should allow EDA to negotiate the percentage of financial versus technical assistance within appropriations. Strengthening local capacity by providing ample and consistent Federal funding for institutions, training, and technical assistance is essential to maximize the effect of State and Federal resources and ensure that assistance reaches the communities that need it most. The Governors believe that assessment metrics based solely on the absolute number of jobs created do not reflect the important economic benefits of investments in community assets that improve quality of life and amenities and make rural communities attractive places to live, nor do they account for the relative effect of job creation in small communities or areas with high unemployment or poverty rates.

Western Governors note that shifts in our economy, labor force, and technology require fundamental changes and new economic development strategies. They request that the subcommittee support small businesses and entrepreneurs; education and training that can be tailored to the needs of rural communities; economic diversification; and tax incentives, grants, and other financial incentives to spur innovation and attract businesses and manufacturing enterprises to rural areas. Western Governors are supportive of efforts to facilitate improved coordination across agencies and streamlined, one-stop application processes for rural customers.

Many western communities, especially rural and Tribal communities, do not have access to broadband internet due to the high cost of infrastructure and the economic challenges of serving low customer densities in rural areas. When communities do have access to broadband, download and upload speeds are often insufficient to meet bandwidth demands or individuals lack the skills, technology, or capacity to reap the benefits of our digital economy. Such realities have left many rural businesses at a competitive disadvantage and citizens without telework, telemedicine, and distance learning opportunities. Western Governors look forward to addressing this digital divide by implementing the significant broadband funding allocated to States through the Infrastructure Investment and Jobs Act's (IIJA; Public Law 117–58) Broadband Equity, Access, and Deployment (BEAD) Program; State Digital Equity Planning Grants; and Digital Equity Capacity Grant Program.

Despite this progress, Western Governors emphasize the need for continued Federal investment to close connectivity gaps and backfill IIJA funding. Western Governors urge Congress to consider additional funding for broadband deployment, including innovative and flexible ways to repurpose existing resources in alignment with State and territorial BEAD plans, and call on the subcommittee to identify and invest in unmet and ongoing digital equity needs after funds are expended in 2026. In addition, the subcommittee should support fiscal opportunities to improve broadband connectivity on Tribal lands.

Cybersecurity is another priority of Western Governors. The increasing complexity and frequency of cyber threats pose significant risks to States and territories, economic stability, and national security. Countering these threats effectively requires a well-trained and experienced cybersecurity workforce. Therefore, Western Governors request long-term and sufficient funding for developing and expanding high-quality cybersecurity education and workforce development programs. These programs should include efforts to target underrepresented populations, retain personnel through rotations, and increase work-based learning opportunities. The subcommittee should expand the CyberCorps: Scholarship for Service Program and pro-

vide continued support to educational initiatives, such as the National Institute of Standards and Technology's (NIST) National Initiative for Cybersecurity Education and National Centers of Academic Excellence in Cyber Defense.

The Missing and Murdered Indigenous Persons (MMIP) crisis continues to deeply affect western communities. Western Governors recommend that the subcommittee provide ample funding for Tribal courts and justice systems to ensure communities have the tools to address these crimes.

Western Governors acknowledge the outsized harm caused by the opioid epidemic, which has become increasingly lethal and devastating to public health and safety. Reducing the epidemic's effects involves stemming the supply of illegally produced opioids and limiting inappropriate and nonmedical uses of prescription opioids. Western Governors urge the subcommittee to continue financially supporting State interdiction activities. The Governors appreciate past allocations to the Drug Enforcement Administration (DEA) to reimburse States for cleaning up and safely disposing of illegal substances.

Western Governors believe that the subcommittee should expand opportunities for early intervention and law enforcement diversion, including community reentry programs and resources and training for law enforcement and emergency service providers, to prevent entry into the justice system for individuals with behavioral health conditions. Western Governors also call for designations to enhance access to harm reduction strategies at low costs for both teens and adults.

Opioid education and awareness campaigns, such as those managed by DEA, are necessary tools to foster public dialogue and mobilize action across communities. The subcommittee should support DEA in further developing its campaigns and dedicate funding to States and territories for targeted and culturally specific opioid awareness and education efforts, especially efforts focused on youth awareness and education, which are complementary to those at the Federal level.

Finally, western States rely on basic information on the status, trends, and projections of water resource availability to make sound water management decisions. This information allows water users throughout the West and decision makers at all levels of government to assess drought conditions and respond effectively with drought mitigation measures to reduce the risk of wildfires, ecosystem impairments, agricultural production loss, and degradation of municipal and industrial water supplies.

For these reasons, Western Governors support strong and dedicated funding for the National Integrated Drought Information System (NIDIS), under the National Oceanic and Atmospheric Administration (NOAA), which performs a valuable role in western water management and drought response. Western Governors also support Federal programs dedicated to the improvement of data on snowpack, streamflow, soil moisture, and forecasting, including the NASA National Land Imaging (Landsat) Program, and Federal efforts to coordinate water data gathering and information programs across multiple agencies. Western Governors recognize the need for improved predictive capabilities for extreme weather variability and urge the subcommittee to place a priority on improving the sub-seasonal and seasonal precipitation forecasting capabilities that could facilitate water management decision making.

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.

[This statement was submitted by Jack Waldorf, Executive Director.]

PREPARED STATEMENT OF WOODWELL CLIMATE RESEARCH CENTER

PRIORITIZATION OF ARCTIC RESEARCH (EARTH SYSTEM MODELS), OFFICE OF POLAR PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION

On behalf of the Arctic Research Program at Woodwell Climate Research Center ("Woodwell Climate"), I am pleased to provide this written testimony to the U.S. Senate subcommittee on Commerce, Justice, Science, and Related Agencies for the official record. Woodwell Climate respectfully requests that the subcommittee adopt the following Report Language for fiscal year (FY) 2025:

> "National Science Foundation—Directorate for Geosciences—Office of Polar Programs—'Arctic Research—The Committee supports the continued investments in Polar Programs research funding pursuant to Federal prior-

ities set forth in the Arctic Research Plan and National Strategy for the Arctic Region. Recognizing the relevance of Arctic research for national mitigation responses, the Committee directs the National Science Foundation to fund research of Earth System model development that prioritizes improved representation of Arctic feedbacks, including permafrost carbon, on global climate at not less than $10 million annually.'"

As a leader in Arctic research with expertise in underrepresented climate feedbacks that inform national carbon budgets and policy interventions relevant to greenhouse gas (GHG) mitigation, Woodwell Climate is uniquely positioned to recommend the above language to this subcommittee.[1] The following testimony seeks to further illustrate the justification and urgent need for this subcommittee to support a directed effort by the National Science Foundation (NSF) and specifically, its Office of Polar Programs (OPP), to solicit research and development of enhanced Earth System Models (ESMs) that include improved representation of permafrost thaw, boreal wildfires, and other Arctic ecological feedbacks on the global climate.

THE NEED FOR PREDICTIVE CLIMATE MODELS AND IMPLICATIONS OF MISSING ARCTIC FEEDBACKS

Woodwell Climate's Arctic program examines the impacts of climate change in the circumpolar North, where temperatures are rising three to four times faster than the global average.[2] These rising temperatures are exacerbating a host of natural disturbances and hazards across Alaska and the greater Arctic, including permafrost thaw—i.e., the loss of perennially frozen soil that underlies roughly 15% of the exposed land surface in the Northern Hemisphere. Permafrost is estimated to contain 1.5 trillion tons of carbon, or more than twice the amount of carbon as is currently in the atmosphere. Based on our current climate trajectory, loss of permafrost could release GHG emissions, including carbon dioxide and methane at levels rivaling the highest-emitting countries over the next century.[3]

ESMs are instrumental for better understanding these climate scenarios and informing U.S. government interventions designed to mitigate the most extreme global impacts. The 2022–2026 Arctic Research Plan developed pursuant to the Arctic Research Policy Act of 1984 (15 U.S.C. § 4108), for example, recognizes computational models as "foundational" to all research activities concerning the Arctic region and beyond.[4] The Research Plan specifically notes that ESMs provide a framework for understanding interactions among components of the Arctic and between the Arctic and the global system across a range of scales and complexity. The National Strategy for the Arctic Region further confirms the U.S. Federal Government's commitment to advancing monitoring and predictive capacity via improved global climate models—tools that enable the U.S. government to make science-informed decisions.[5]

Yet to date, most ESMs that are used to inform government decision-making are missing critical disturbance processes arising from the Arctic region. Physical and biochemical processes, including surface hydrology, snow cover, soil decomposition and vegetation changes are largely underrepresented in the simulations. Most notably, permafrost thaw, including abrupt thaw, and interactions between permafrost and high-latitude wildfires are not adequately considered. The IPCC 6th Assessment Report (AR6), published in 2021, noted with high confidence that permafrost will continue to thaw and will lead to carbon release to the atmosphere—however, only two of the 11 models available to the IPCC included representation of permafrost carbon. Neither of those ESMs included important processes such as abrupt thaw or interactions between permafrost and vegetation cover change or wildfire.

---

[1] *Arctic*, Woodwell Climate, https://www.woodwellclimate.org/research-area/arctic/; in 2022, Arctic scientists at Woodwell Climate Research Center launched "Permafrost Pathways" which leverages expertise of leading institutions to address climate mitigation strategies, including enhanced monitoring and modeling of permafrost thaw processes across the Arctic. *See* https://permafrost.woodwellclimate.org/.

[2] Rantanen, M., et al. (2022). The Arctic has warmed nearly four times faster than the globe since 1979 (2022). Commun Earth Environ 168 (3). https://doi.org/10.1038/s43247-022-00498-3.

[3] Natali, S. M., Bronen, R., Cochran, P., Holdren, J. P., Rogers, B. M., & Treharne, R. (2022). Incorporating permafrost into climate mitigation and adaptation policy *Environ. Res. Lett.* 17 091001. https://doi.org/10.1088/1748-9326/ac8c5a.

[4] See *Arctic Research Plan 2022–2026: A Report by the Interagency Arctic Research Policy Committee of the National Science and Technology Council* (December 2021), https://www.iarpccollaborations.org/uploads/cms/documents/final-arp-2022-2026-20211214.pdf.

[5] U.S. White House, *National Strategy for the Arctic Region* (2022), https://www.whitehouse.gov/wp-content/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf.

The subcommittee should recognize the significant implications of this ESM phenomena: Without fully accounting for feedbacks that accelerates carbon loss in high latitudes, the U.S. government cannot accurately predict the magnitude and timescale of global GHG emissions, including carbon dioxide and methane.[6] This uncertainty means that the efforts of the Federal Government to set reasonably achievable GHG emission reduction targets and adhere to global carbon budgets are not based on the best available science.

DIRECTING NSF TO PRIORITIZE FUNDING FOR ESM RESEARCH AND DEVELOPMENT

Woodwell Climate recommends that the subcommittee recognize the OPP within the Geosciences Directorate of NSF as well-positioned to address these modeling gaps and to stimulate proposals for ESM research and development with a focused attention on missing Arctic processes. OPP is mandated to promote scientific research about the polar regions, and specifically, research that advances understanding of polar systems and their global interactions as it pertains to the Nation.[7] The integration of permafrost-carbon dynamics and other Arctic feedbacks into ESMs aligns with this mission.

While Federal policy informing OPP operations, including frameworks previously mentioned, recognize the value of ESMs in predicting future Arctic change, the current Federal funding landscape is not conducive to ESM development. For example, most Federal grant-funded science projects have a duration of 3 years—a cycle that is proven too short for early-career researchers to complete meaningful ESM development and research before transitioning to a new project or position. Moreover, government agencies traditionally prefer to fund research projects that directly answer headline science questions; model development grants are more nuanced, as they are generally non-hypothesis driven and aim to achieve many intermediate steps.

Woodwell Climate has therefore recommended report language to this subcommittee that would effectively indicate a tonal shift in the Federal ESM funding priorities. With a directive to emphasize and allocate requisite funding for ESM development projects, Woodwell Climate expects that NSF will receive an influx of ESM development proposals, particularly those that seek to incorporate missing global climate feedbacks such as permafrost thaw. The funds may also help to support longer-term investments in training members of the ESM and modeling community and provide the time needed for additional benchmarking and evaluation that is required to trace performance of more complex models.

The ongoing efforts of Woodwell Climate and experts in both the U.S. Federal Government and independent institutions confirm that there is already sufficient knowledge, expertise, and computational capacity to increase the accuracy of ESMs. Support from this subcommittee is necessary, however, to ensure that ESM development—and particularly, the inclusion of permafrost carbon dynamics—is recognized as a Federal research and policy priority. By adopting the requested report language and directing NSF to dedicate no less than $10 million per year per model to advance the integration of missing Arctic processes in ESM models, this subcommittee would signal recognition that ESM development is foundational to national climate security and hazard mitigation in a changing world.

CONCLUSION

Woodwell Climate strongly urges the subcommittee to recognize the importance of the Arctic region in enhancing the Nation's climate security and mitigation response. Accordingly, Woodwell Climate respectfully requests the adoption of report language that supports a directed effort by NSF to fund ESM development that prioritizes improved representation of Arctic feedbacks, including permafrost carbon, on global climate at not less than $10 million per year starting in FY2025. Such investment will ensure that the U.S. research community is able to more accurately predict future climate scenarios and better inform policy decisions.

On behalf of Woodwell Climate, I would like to thank you for the opportunity to provide this testimony. Please do not hesitate to contact me should you have any questions about Woodwell Climate or the Arctic Program's scientific research.

[This statement was submitted by Melissa Shapiro, J.D., Arctic Policy Lead.]

---

[6] Natali, S. M., Holdren, J. P., Rogers, B. M., Treharne, R., Duffy, P. B., Pomerance, R., & MacDonald, E. (2021). Permafrost carbon feedbacks threaten global climate goals. Proceedings of the National Academy of Sciences, 118(21). https://doi.org/10.1073/pnas.2100163118.

[7] *Office of Polar Programs*, NSF, https://www.nsf.gov/div/index.jsp?div=OPP.

LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

Page

All Rise, Prepared Statement of 233
American:
  Bar Association, Prepared Statement of 234
  Foreign Service Association (AFSA), Prepared Statement of The 237
  Geophysical Union, Prepared Statement of 238
  Governance Institute, Prepared Statement of 240
  Indian Higher Education Consortium, Prepared Statement of the 243
  Institute of Biological Sciences, Prepared Statement of 245
  Physiological:
    Association Services, Inc., Prepared Statement of 249
    Society (APS), Prepared Statement of 247
  Rivers, Prepared Statement of 251
  Society:
    for Microbiology, Prepared Statement of the 253
    of Agronomy, Prepared Statement of 256
    of Plant Biologists, Prepared Statement of 257
Animal Welfare Institute, Prepared Statement of 259
Artie Ann Bates, MD, Psychiatrist, Prepared Statement of 262
Association of:
  Science and Technology Centers, the American Alliance of Museums, the Association of Children's Museums, and the Association of Science Museum Directors, Prepared Statement of the 264
  State Floodplain Managers, Prepared Statement of 266
Boys and Girls Club of America, Prepared Statement of 268
Britt, Senator Katie, U.S. Senator From Alabama, Questions Submitted by 122
CAST, Prepared Statement of 270
Chugach Regional Resources Commission, Prepared Statement of 272
Citizens for Responsibility and Ethics in Washington, Prepared Statement of 275
Coastal States Organization, Estuarine Research Reserve Association, Integrated Ocean Observing System Association, National Marine Sanctuary Foundation, & Sea Grant Association, Prepared Statement of 276
Collins, Senator Susan M., U.S. Senator From Maine:
  Opening Statement of 185
  Questions Submitted by 49, 101
Concerned Letcher Countians, LLC, Prepared Statement of 279
Consortium of Social Science Associations, Prepared Statement of 281
Court Appointed Special Advocates Program/Guardian ad Litem Association for Children, Prepared Statement of 283
Daughters of Penelope, Prepared Statement of 285
Entomological Society of America, Prepared Statement of 288
Environmental Solutions International, Prepared Statement of 290
Federation of:
  American Societies for Experimental Biology, Prepared Statement of 294
  Associations in Behavioral and Brain Sciences, Prepared Statement of 295
Fischer, Senator Deb, U.S. Senator From Nebraska, Questions Submitted by 53, 129
Foundation for American Innovation, Prepared Statement of 297, 299
Garland, Hon. Merrick B., Attorney General of the United States, Department of Justice:
  Prepared Statement of 6
  Questions Submitted to 44

Page

Garland, Hon. Merrick B., Attorney General of the United States, Department of Justice—Continued
Statement of 4
Hagerty, Senator Bill, U.S. Senator From Tennessee, Questions Submitted by 118
Heinrich, Senator Martin, U.S. Senator From New Mexico, Questions Submitted by 98, 178
Humane Society Legislative Fund and The Humane Society of the United States, Prepared Statement of 301
Insights Association, Prepared Statement of 303
IOOS Association, Prepared Statement of 305
Jamestown S'Klallam Tribe, Prepared Statement of 307
John Snook, Chief Policy Officer Meadows Mental Health Policy Institute, Prepared Statement of 347
Kennedy, Senator John, U.S. Senator From Louisiana, Questions Submitted by 50, 179
Kentucky Resources Council, Prepared Statement of 310
Learning and Education Academic Research Network, Prepared Statement of 311
Manchin, Senator Joe, III, U.S. Senator From West Virginia, Questions Submitted by 44, 92
MENTOR, Prepared Statement of 312
Moran, Senator Jerry, U.S. Senator From Kansas:
Opening Statement of 2, 57, 134, 184
Question Submitted by 108
Murkowski, Senator Lisa, U.S. Senator From Alaska, Questions Submitted by 104, 174
Murray, Senator Patty, U.S. Senator From Washington, Question Submitted by 171
National:
Association of Marine Laboratories, Prepared Statement of 315
Estuarine Research Reserve Association, Prepared Statement of 317
Fish and Wildlife Foundation, Prepared Statement of 319
Legal Aid & Defender Association, Prepared Statement of 322
Marine Sanctuary Foundation, Prepared Statement of 325
Security Counselors, Prepared Statement of 327
Natural Science Collections Alliance, Prepared Statement of 329
Nature Conservancy, Prepared Statement of The 332
Nelson, Honorable Bill, Administrator, National Aeronautics and Space Administration:
Prepared Statement of 137
Questions Submitted to 171
Statement of 137
New England Innocence Project, Prepared Statement of 334
Nez Perce Tribe, Prepared Statement of The 337
Northwest Indian Fisheries Commission, Prepared Statement of 339
Office of Juvenile Justice and Delinquency Prevention (OJJDP), Prepared Statement of 342
Pacific Salmon Commission, Prepared Statement of 343
Panchanathan, Honorable Dr. Sethuraman, Director, National Science Foundation:
Prepared Statement of 141
Questions Submitted to 175
Statement of 139
Peters, Senator Gary, U.S. Senator From Michigan, Questions Submitted by 48, 99
Population Association of America/Association of Population Centers, Prepared Statement of 345
Project On Government Oversight (POGO), Prepared Statement of 349
Raimondo, Hon. Gina M., Secretary, Department of Commerce:
Prepared Statement of 60
Questions Submitted to 92
Statement of 58
Regional Information Sharing Systems (RISS) Program, Prepared Statement of 351
Sandy Hook Promise, Prepared Statement of 354
Sea Grant Association, Prepared Statement of 356
Shaheen, Senator Jeanne, U.S. Senator From New Hampshire:
Opening Statement 1, 55, 133, 183

Page

Shaheen, Senator Jeanne, U.S. Senator From New Hampshire—Continued
Questions Submitted by 175
Society for Industrial and Applied Mathematics, Prepared Statement of 358
Society for Industrial and Organizational Psychology, Prepared Statement of 361
Society for Neuroscience, Prepared Statement of 363
Stronger America Through Seafood, Prepared Statement of 365
U.S. Census Bureau, Prepared Statement of 366
University of Illinois System, Prepared Statement of 366
Van Hollen, Senator Chris, U.S. Senator From Maryland, Questions Submitted by 94, 173, 177
Vera Institute of Justice, Prepared Statement of 367
Voice of the Experienced, Prepared Statement of 369
Western Governors' Association, Prepared Statement of 371
Woodwell Climate Research Center, Prepared Statement of 373
Wray, Hon. Christopher A., Director, Federal Bureau of Investigation:
Prepared Statement of 188
Statement of 186

SUBJECT INDEX

DEPARTMENT OF COMMERCE

Page

Additional Committee Questions 92
Questions Submitted by Senators:
Britt, Senator Katie 122
Collins, Susan M. 101
Fischer, Deb 129
Hagerty, Bill 118
Heinrich, Martin 98
Manchin, Senator Joe, III 92
Moran, Jerry 108
Murkowski, Lisa 104
Peters, Gary 99
Van Hollen, Chris 94

DEPARTMENT OF JUSTICE

Introduction 6
Keeping Our Country Safe 7
Protecting Civil Rights 12
Additional Areas of Departmental Focus 13
Additional Committee Questions 44
Questions Submitted by Senators:
Collins, Susan M. 49
Fischer, Deb 51
Kennedy, John 50
Manchin, Senator Joe, III 44
Peters, Gary 48

FEDERAL BUREAU OF INVESTIGATION

Conclusion 198
Criminal Threats 194
FY 2025 Budget Overview 188
Key:
Cross-Cutting Capabilities and Capacities 197
Threats and Challenges 189
National Security 189

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Additional Committee Questions 170
Questions Submitted by Senators:
Murkowski, Lisa 174
Murray, Patty 171
Van Hollen, Chris 173

Page

NATIONAL SCIENCE FOUNDATION

Additional Committee Questions 170
Questions Submitted by Senators:
Heinrich, Martin 178
Kennedy, John 179
Shaheen, Jeanne 175
Van Hollen, Chris 177
Conclusion 150
Four Strategic Themes 142
Improve Access to America's Statistical Data 150
Introduction 141
NSF's Three Pillars 142
Research Security 149
Sexual Assault and Harassment Prevention and Response 150

○