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Senate Hearings

Before the Committee on Appropriations

Commerce, Justice, Science, and Related Agencies Appropriations

Fiscal Year 2016

114*th* CONGRESS, FIRST SESSION

H.R. 2578

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
DEPARTMENT OF COMMERCE—OFFICE OF THE SECRETARY
DEPARTMENT OF JUSTICE—OFFICE OF THE ATTORNEY GENERAL
DRUG ENFORCEMENT ADMINISTRATION
FEDERAL BUREAU OF INVESTIGATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NONDEPARTMENTAL WITNESSES
UNITED STATES MARSHALS SERVICE

Commerce, Justice, Science, and Related Agencies Appropriations, 2016 (H.R. 2578)

S. HRG. 114–178

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

ON

H.R. 2578

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, AND FOR OTHER PURPOSES

Bureau of Alcohol, Tobacco, Firearms and Explosives
Department of Commerce—Office of the Secretary
Department of Justice—Office of the Attorney General
Drug Enforcement Administration
Federal Bureau of Investigation
National Aeronautics and Space Administration
Nondepartmental Witnesses
United States Marshals Service

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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016

THURSDAY, FEBRUARY 26, 2015

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

The subcommittee met at 10:33 a.m., in room SD–192, Dirksen Senate Office Building, Hon. Richard Shelby (chairman) presiding.

Present: Senators Shelby, Collins, Kirk, Capito, Lankford, Mikulski, Shaheen, Coons, Baldwin, and Murphy.

U.S. DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

STATEMENT OF HON. PENNY PRITZKER, SECRETARY

OPENING STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. The subcommittee will come to order. Today, I want to welcome Secretary Pritzker, who will testify about the Department of Commerce's 2016 budget request. This subcommittee has had a productive relationship with the Commerce Department under Secretary Pritzker's tenure, and we appreciate very much her being here today.

The Department of Commerce is responsible for a variety of activities critical to our Nation's well-being, including: weather forecasting, economic development, fisheries management, cybersecurity standards, and trade enforcement, among others. Few departments have such potential to directly impact the strength and sustainability of our communities and local businesses back home.

The Commerce Department's request for fiscal year 2016 totals $9.8 billion, which is $1.3 billion, or 16 percent, above the 2015 enacted amount of $8.5 billion. This request represents a significant increase in spending at a time when America is still living within a constrained budget. The Department's request proposes increasing funding for several important programs that are already expensive, including the build up to the 2020 Decennial Census and efforts to launch the next generation of weather satellites. These large increases are coupled with substantial funding proposals for new initiatives, which will continue to add financial pressure on existing core programs and operations.

Such a disjointed request, I believe, ignores current fiscal realities and raises immediate questions about the administration's priorities for establishing a balanced budget within the Commerce Department. Strict oversight and fiscal responsibility are essential for the Department's success in 2016.

One of the growing pressures on the Department's budget is the anticipated budgetary and personnel build up to execute the 2020 Census. And while the Department is working to the make the 2020 Census as efficient and cost-effective as possible, any delay in testing and activities now will have very costly ramifications in the future. The Department, I believe, simply cannot afford to have another $1 billion setback similar to that experienced in 2010.

Madam Secretary, I believe if you're not watchful of plans and schedules with the Census today, important programs throughout the Department could suffer in order to keep the Census on track.

When it comes to accountability, ensuring the timely delivery, launch, and operation of weather satellites remains a primary concern for this subcommittee. According to NOAA's own budget request, polar orbiting satellites provide the primary input, up to 85 percent, of the data needed for NOAA's numerical weather prediction models, the underpinnings of high impact weather forecasts. Eighty-five percent, I think, is a big deal.

Despite the continued support and full funding provided by the subcommittee to NOAA for these satellites, recent reports by GAO and the Department of Commerce Inspector General suggest that a gap in polar satellite data is likely to occur. GAO continues to predict a gap that could last anywhere from 17 to 53 months, while NOAA and NASA say there is only a potential of a 3 month gap. I'm disappointed in the lack of a specific plan to address the potential near-term data gap that could occur this calendar year.

Madam Secretary, this mixed message on the potential gap deeply troubles me. It's clear that the loss of this data would negatively impact the capability of our Nation's weather forecasters, potentially putting lives and property in harm's way. This gap debate and incongruent information does little to dissuade my concerns or that of the American people.

In addition, I'm concerned about the Department's 2016 request of $380 million for a proposal to build a follow-on polar satellite program after the Joint Polar Satellite System. The 2016 request is only an initial down payment for this new satellite program and lacks specific details on the overall price tag, which could cost several billion dollars. The subcommittee will need further information from the Department and NOAA on this new satellite system to determine what exactly the taxpayers are being asked to invest in beyond 2016.

Finally, I want to touch on the Department's role in economic development. For fiscal year 2015, I expressed concern about the rollout of the Investing in Manufacturing Communities program. This program gives selected communities a seal of approval and priority access to Federal resources, resulting in the Department picking winners and losers. This is a concern that a lot of us have.

I'm similarly troubled by a new initiative proposed in the 2016 request that would establish two new institutes for manufacturing and innovation. The question is, do we need them? Last year's om-

nibus spending bill included authorization to build out a network of these manufacturing institutes. And while I support efforts to drive innovation and spur private sector growth, I'm concerned that institutes may benefit only certain communities while disadvantaging others. I believe this manufacturing initiative will create a fiscal commitment that we might be unable to meet.

The administration proposes $1.9 billion in mandatory spending in 2017 to fund these manufacturing institutes, but these funds have yet to be authorized. With no mandatory funding available or identified, the administration proposes spending $150 million of discretionary funding in fiscal 2016. This is discretionary funding that the Department simply can't afford. I'm concerned that funding new initiatives like this will come at a cost to Commerce's core functions. To be financially successful, I believe the Commerce Department's role in this initiative should be limited in scope, focused on its core mission of economic development, and assisting the most economically distressed communities, while being mindful of taxpayers' dollars.

I look forward, Madam Secretary, to hearing your views on these matters and working with our subcommittee to address the concerns in the 2016 bill.

Now, I want to recognize Senator Mikulski, the former Chairwoman of the subcommittee and my friend and colleague, for any remarks that she might want to make.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Chairman Shelby, and I want to congratulate you on your chairmanship and once again, reaffirm our bipartisan working relationship on what's going to be good for our country. And we know today that there are some new members on our subcommittee from both Wisconsin and Oklahoma, and it's wonderful to welcome you to the subcommittee.

Secretary Pritzker, of course, is the Secretary of Commerce, which is a hybrid agency that does deal with everything from fish, which is so crucial to our mutual economies—especially Senator Collins and myself and I know Alabama—to technology, to the prediction of weather, which we can see we're highly dependent upon.

But her mantra and her mission has been the phrase that America is open for business. And we look forward to hearing from her how she feels the budget request from the President will enable the Department of Commerce not only make wise use of taxpayers' dollars, but how this will promote our economy and promote job growth, both today and tomorrow. So we look forward to hearing how this "Open for Business" has actually worked in the real world and how it will do this. We're not here to fund Government programs. We're here to fund American outcomes. And those American outcomes are to create American jobs, promoting economic growth, particularly in manufacturing, which so many of our communities have been hard hit, an increase in exports, and also to make sure that as we do R&D, that this is leading, really to markets.

I am thrilled, particularly in my own home State, where we have so many Nobel Prize winners. But I want us to not only win the Nobel Prizes, but I want us to win the markets. So we're going to look forward to what does the money mean. And of course, pro-

tecting America's jobs, and not only new trade laws, but enforcing the existing ones, and safeguarding our intellectual property. We here in America are inventors. We are discoverers. But I believe that when you invent something, you should own it, and it should not be stolen from you, and we need that.

The other is to be able to protect our people, and whether that's accurate weather forecast—because again, Senator Collins and I have talked about how we've had firefighters rescuing people and nurses with snowmobiles. We have people out there now on our waterways in cold and frozen waters, either worrying about where our fishermen are or promoting commerce. We need accurate weather, whether you're Oklahoma or Wisconsin worrying about a tornado or—we need this. So it is the weather forecasting.

We're particularly interested in the Commerce Department's role in cyber. When we think of the word cyber, we immediately think of the defense of our Nation. We think of the Department of Defense, the Cyber Command, the National Security Agency. We certainly are thinking about the responsibilities of the Homeland Security that could be facing a shutdown. But what is the role of cyber at a Commerce Department? And quite frankly, you've been hacked yourself, so we want to know that.

The other is that we appreciate your work in reform. Going back to really Secretary Gutierrez, he and I worked as reformers together on things like, especially, the Census, which was of great concern. We worked together on the techno boondoggle of the NOAA satellites. We need to hear how you've made progress and how we cannot have boondoggles again. And I know you've carried on the spirit of reform that was created under Secretary Gutierrez, Becky (Acting Secretary Rebecca Blank) continued it, and you have, because with an approximately $9 billion budget request, we've got to make sure we use the money that we have well, and leverage that to make sure that America is not only open for business, but stays in business.

So I look forward to your testimony and working with you to achieve those goals.

Senator SHELBY. Secretary Pritzker, your written testimony will be made part of the record. You can proceed as you wish. Welcome, again, to the subcommittee.

SUMMARY STATEMENT OF HON. PENNY PRITZKER

Secretary PRITZKER. Thank you very much, Chairman Shelby, Vice Chairman Mikulski, and members of the subcommittee. Thank you for the opportunity to lay out President Obama's fiscal year 2016 Budget for the Department of Commerce.

This budget advances the core tenets of the Department's mission, to develop and implement policies that support economic growth, to help America's businesses expand and thrive, both at home and around the world, and to ensure that the country remains competitive, stays at the forefront of innovation, and continues to lead the global economy in the 21st century. To support this mission, the fiscal year 2016 budget provides $9.8 billion of discretionary funding to reinforce the priorities of the Department's strategy, our Open for Business agenda, by promoting U.S. exports, trade, and investment, by spurring high tech manufacturing and

innovation, by unleashing more data for economic benefit, by gathering and acting on environmental intelligence, and by making our agency's operations more efficient and more effective.

Today, I want to highlight some key initiatives supported by this budget. First, the Commerce Department collects, analyzes, disseminates data that informs everyday business decisions. In particular, the Census Bureau creates data products used by businesses, policy makers, and the public. The fiscal year 2016 budget reflects the fact that this is a critical year for preparation of the 2020 Census as we test the use of administrative records, reengineered field operations, and Internet data collection, as we create new systems to improve coverage and quality of the Census, and as we develop plans for the fiscal years 2017 and 2018 integrated tests of the entire process, all of this combined at a potential savings of $5 billion to taxpayers. But to achieve these savings, we must invest today.

Another part of our agenda is to help communities and businesses prepare for and prosper in a changing environment. The National Oceanic and Atmospheric Administration's budget will enhance our ability to meet this goal through two investments. First, the budget proposes $2.4 billion to fully fund the next generation of weather and environmental satellites, which provide our communities with forecasts that protect lives, property, and the economy. Funding the development and launch of future satellites is absolutely critical to reduce the risk of a potential gap in weather data in 2017 and beyond.

Second, the budget requests $147 million to develop a high endurance, long range ocean survey vessel. Our fleet is in desperate need of renewal. Making this investment now will enable NOAA to take advantage of design work previously done by the Navy and of openings in the shipyard's schedule, both of which will save taxpayers millions of dollars in acquisition and design costs. Time is not our ally. We need to replace eight ships in the next 12 years, and this ocean survey vessel is just the first.

For generations, manufacturing has been a key to innovation, a source of middle class jobs, and a pillar of our global leadership. Over the last 5 years, America's manufacturers have made a comeback, adapting, innovating, and adding more than 870,000 jobs, growing for the first time in decades. Recognizing the importance of manufacturing to our competitiveness, you passed the Revitalize American Manufacturing and Innovation Act, which calls for the expansion of the national network of manufacturing innovation, or NNMI. This initiative brings together industry, university researchers, community colleges, NGOs, and government to accelerate the development of cutting-edge manufacturing technologies. From the start, the competition among communities to host and to provide matching funds for these advanced manufacturing sites has been fierce. Our fiscal year 2016 budget requests funding to oversee and coordinate current and future institutes and to support two institutes led by the Commerce Department, which would focus on lab to market opportunities that the private sector industry determines have the most potential.

This budget will also provide the International Trade Administration with the resources needed to advance President Obama's ro-

bust trade agenda. These investments will enable our export assistant centers and foreign commercial service to help small, medium, and large size businesses expand their exports to new markets and to ensure that American made products make their way to the 95 percent of customers who live outside of the United States.

Finally, our budget will allow us to continue the renovation of our building's headquarters here in Washington, D.C. This multi-year project is designed to upgrade our 80-year old facility's heating, cooling, plumbing, and electrical systems. The $24 million requested by our department will enable us to make better use of our space, and ultimately reduce the amount of funds required to house our employees.

These priorities only scratch the surface of our department's work to support U.S. businesses, U.S. communities, and our economy. So I look forward to answering your questions today and to partnering with this subcommittee to keep America open for business. Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. PENNY PRITZKER

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, thank you for this opportunity to discuss with you President Obama's fiscal year 2016 budget request for the U.S. Department of Commerce. The investments included in the fiscal year 2016 budget request build upon the important investments you enacted in fiscal year 2015 and I am grateful for your support.

The Department plays a critical role in promoting U.S. economic growth and providing vital scientific and environmental information. To support this mission across its diverse bureaus, the budget provides $9.8 billion in discretionary funding for Commerce. This funding level will enable key investments in areas such as promotion of exports and foreign investment; development of weather satellites; wireless and broadband access; and research and development to support long-term economic growth. At the same time, efficiency gains, such as streamlining operations in the Census Bureau and reductions in lower-priority activities enable Commerce to reduce costs and operate more efficiently.

The fiscal year 2016 budget request reflects and advances the priorities of the Department's "Open for Business" Agenda. It maintains our role as the voice of business in the Obama administration by making critical investments in areas that will grow our economy and create good American jobs. This budget prioritizes promoting U.S. trade and investment, spurring high-tech manufacturing and innovation, unleashing more of our data, and gathering and acting on environmental intelligence, while also streamlining operations to help businesses grow. We are committed to working with Congress to achieve these goals so we can continue to build on our economic momentum and keep America more competitive in the global economy.

The fiscal year 2016 Department of Commerce budget includes key investments in the following areas:

STRENGTHENING U.S. TRADE AND INVESTMENT

Increasing trade and investment is critical to growing our economy. Exports have driven nearly one-third of economic growth since 2009 and support 11.3 million jobs. Ninety-six percent of companies that export are Small and Medium Enterprises (SMEs). Today, 95 percent of potential customers are outside our borders and growing the number of export-related jobs, which pay up to 18 percent more on average, will require expanding our ability to reach these foreign markets.

The budget includes $497 million for the International Trade Administration (ITA) to strengthen the competitiveness of U.S. industry, promote job-creating trade and investment, and ensure fair trade through the rigorous enforcement of our trade laws and agreements. Funding for ITA includes $15 million to accelerate operations of the Interagency Trade Enforcement Center (ITEC), a multi-agency effort to address unfair trade practices and barriers that impede U.S. exports.

The budget also provides $20 million within ITA to further strengthen SelectUSA, which is the government-wide effort to promote and facilitate business investment

into the United States. From a vast domestic market, to a transparent legal system, to the most innovative companies in the world, America is the place for business. We are very grateful to this subcommittee for its past support for this important program. Building upon the successes of the inaugural SelectUSA Summit in 2013, the Department will host its second SelectUSA Investment Summit in March 2015. Other funds will support ITA's efforts to make it easier for U.S. companies of all sizes to reach consumers who live beyond our borders, including program and policy improvements to provide exporters more tailored assistance and to strengthen partnerships at the State and local level that support export promotion and foreign direct investment attraction strategies.

The President's fiscal year 2016 budget requests $115 million for the Bureau of Industry and Security (BIS). Following the successful realignment of significant license application responsibilities from the Department of State to BIS, our focus on capacity-building now shifts from export administration to export enforcement. This level of funding will allow us to increase the number of enforcement agents within BIS to ensure enforcement of export controls and compliance-related activities to ensure that exporters and re-exporters are following our export control regulations.

If we are to ensure that we can export U.S. goods more quickly, while also ensuring that sensitive technologies do not end up in the wrong hands, we must be able to educate exporters and re-exporters about our regulations and their responsibilities, and we must put sufficient teeth into our enforcement efforts. Strong enforcement levels the playing field for exporters, while lax enforcement threatens our national security and permits violators to flourish at the expense of the compliant.

To continue supporting the national growth of minority-owned U.S. businesses, the budget includes $30 million for the Minority Business Development Agency. Minority owned firms make a significant and valuable contribution to our economy and export at a higher rate compared to all U.S. firms. This investment will promote further growth and global competitiveness of our Nation's minority-owned businesses.

SPURRING INNOVATION, GROWTH AND COMPETITIVENESS

Strengthening U.S. Manufacturing: As global competition continues to increase, the United States must find ways to foster the innovation that produces economic growth and creates well-paying middle-class jobs. A national effort to create institutes focused on manufacturing innovation will accelerate development and adoption of cutting-edge manufacturing technologies for new products that can compete in international markets. The National Network for Manufacturing Innovation (NNMI) provides a manufacturing research infrastructure where U.S. industry and academia collaborate to solve industry-relevant problems. To date, five institutes, funded by the Department of Defense and the Department of Energy, have been launched, involving more than 300 companies and universities and attracting $480 million in private funding in the institutes. NNMI will keep America on the frontlines of discovery, which will result in our businesses, our manufacturers, and the American economy becoming more competitive in the 21st century global economy.

The budget supports the President's vision of creating a full national network, expanding NNMI with up to 45 manufacturing innovation institutes across the Nation during the next 10 years. In total, the budget includes discretionary funding for seven new institutes in fiscal year 2016, including $140 million for the first two Commerce-led institutes. The budget also includes an additional $1.9 billion mandatory proposal to fulfill the President's vision. The budget includes an additional $10 million for the National Institute of Standards and Technology (NIST) to coordinate the activities of the current and future institutes, leveraging the authorities in the bipartisan Revitalize American Manufacturing and Innovation Act (RAMI), enacted as part of the Consolidated and Further Continuing Appropriations Act, 2015, thanks to your support.

The budget also provides $141 million for NIST's Hollings Manufacturing Extension Partnership (MEP), which will continue to focus on expanding technology and supply chain capabilities to support technology adoption by smaller manufacturers to improve their competitiveness.

Supporting 21st Century Economic Development: Economic Development creates the conditions for economic growth and improved quality of life by expanding the capacity of individuals, firms, and communities to maximize the use of their talents and skills to support innovation, lower transaction costs, and responsibly produce and trade valuable goods and services. The budget invests $273 million for the Economic Development Administration (EDA) to support innovative economic development planning, regional capacity building, and capital projects. Within this amount, $25 million is included for the Regional Innovation Strategies Program to promote

economic development projects that spur entrepreneurship and innovation at the regional level. The EDA budget also includes $39 million for Partnership Planning to support local organizations with their long-term economic development planning efforts and outreach. Additionally, $53 million is provided for Economic Adjustment Assistance for critical investments such as economic diversification planning, and implementation, technical assistance, and access to business start-up facilities and equipment.

Supporting the Digital Economy: The fiscal year 2016 budget request demonstrates the administration's continued commitment to broadband telecommunications as a driver of economic development, job creation, technological innovation, and enhanced public safety. The investment of $49.2 million will allow the National Telecommunications and Information Administration to develop, implement, and advocate policies to help meet challenges related to the digital economy, Internet openness, privacy, and security. The President's broadband vision of freeing up 500 MHz of Federal spectrum, promoting broadband competition in communities throughout the country, and connecting over 99 percent of schools to high-speed broadband connections through the ConnectED initiative will create thousands of quality jobs and ensure that students have access to the best educational tools available.

The budget supports implementation of telecommunications provisions enacted in the Middle Class Tax Relief and Job Creation Act of 2012, which are expected to reduce the deficit by more than $40 billion over the next 10 years through spectrum auctions. These auctions will increase commercial access to wireless broadband spectrum while fully funding an interoperable public safety and first responder broadband network.

Beyond our efforts to promote innovation, the budget highlights the administration's commitment to cybersecurity by supporting NIST's efforts to work with industry on implementing the Cybersecurity Framework of standards and best practices, as well as sustaining initiatives associated with cybersecurity automation, cybersecurity information, and the National Strategy for Trusted Identities in Cyberspace (NSTIC).

Spurring Innovation for American Businesses: Through implementation of the America Invents Act, the U.S. Patent and Trademark Office (USPTO) continues to make it easier for American entrepreneurs and businesses to bring their inventions to the marketplace sooner, converting ideas into new products and new jobs. The budget supports a program level of $3.5 billion for USPTO, a level that would allow USPTO to fund operations and to further implement administrative actions proposed by the President's Patent Task Force.

Fueling a Data-Driven Economy: Data is the fuel that powers the 21st century economy, and Commerce Department data touches every American and informs business decisions every day. The budget will support data-related efforts ranging from our preparations for the 2020 census to unleashing more NOAA data through public-private partnerships.

Improving Federal Statistical Measures: The budget provides $1.5 billion to provide critical support for the U.S. Census Bureau to research, test, and implement innovative design decisions made at the end of 2015. Funding in fiscal year 2016 supports the rapid system and operational development necessary to achieve the goal of conducting a census at a lower cost per household than in the 2010 census, potentially saving up to $5 billion compared to the costs of repeating the 2010 census design in 2020. The budget also includes a planned cyclical increase for the Economic Census. The budget includes $10 million in additional funding for the Census Bureau to lay the ground for acquiring and processing administrative data sets in an administrative records clearinghouse that will benefit program evaluation and statistical work across the Government as well as amongst private researchers. The Bureau will accomplish this by building on its existing strengths to develop a more comprehensive infrastructure for linking, sharing, and analyzing key datasets.

Gathering and Acting on Environmental Intelligence: The Department's environment agenda aims to help communities and businesses prepare for and prosper in a changing environment through the models, assessments, forecasts, and tools generated based on data from our network of satellites, ships, and world-wide sensors.

The budget provides $6.0 billion to advance the National Oceanic and Atmospheric Administration's (NOAA) ability to understand and anticipate changes in the Earth's environment, improve society's ability to make scientifically informed decisions, deliver vital services to the economy and public safety, and conserve and manage ocean and coastal ecosystems and resources. The budget invests in NOAA's observational infrastructure, including $2.4 billion to fully fund NOAA's weather and space weather satellite programs. This includes $380 million for the Polar Follow-On satellite program, allowing for a launch schedule that is necessary to improve the robustness of the satellite systems that provide critical weather data.

The Department continues its commitment to support a Weather-Ready Nation, and evolve the National Weather Service to become a more agile decision support organization capable of providing more accurate and more timely weather forecasts. The United States has the greatest number and greatest variety of severe weather events of any country on the planet. The Budget invests $1.1 billion for the National Weather Service, including funding increases for critical infrastructure.

The President's budget makes investments to fill information needs in observations, surveys, and fisheries management, including $147 million for a new ocean survey vessel. The budget also provides $50 million for an expanded Regional Coastal Resilience Grant Program, which will help reduce the risks and impacts associated with extreme weather events and changing ocean conditions and uses, along with $30 million for ocean acidification research to improve understanding of its impacts and support tool development and adaptive strategies for affected industries and stakeholders. Additionally, the budget requests an increase of $19 million for expanded Endangered Species and Magnuson Stevens Act consultation capacity that will reduce permitting timeframes.

Streamlining Operations: To further the President's goals of improving customer service and enhancing the efficiency of Government, the budget includes $6 million to support a Commerce Digital Services team to adopt private sector best practices and recruit talent to improve Commerce's information technology systems. This team will be responsible for driving the efficiency and effectiveness of the Agency's highest impact, client focused information technology systems. In addition, the budget includes $3 million to support the development of an "Idea Lab," which will house a team dedicated to incubating and investing in innovative approaches to more efficiently and effectively meet Agency strategic goals and objectives through greater employee engagement.

CONCLUSION

With the fiscal year 2016 budget, the Department seeks to advance the core tenets of its mission: to create the conditions for economic growth; help U.S. businesses expand; and to ensure that America stays competitive, stays ahead, and continues to lead the global economy in the 21st century. The smart investments proposed in President's fiscal year 2016 budget will support a globally competitive economy by promoting trade and investment, spurring innovation, fueling a data-driven economy, and gathering and acting on environmental intelligence. With this budget, I am confident that we will keep America "Open for Business." I look forward to working with the subcommittee to achieve these important goals.

POLAR FOLLOW-ON SATELLITE PROGRAM

Senator SHELBY. Thank you, Madam Secretary. I'll try to get to the point on these. The Polar Follow-on mission, how long will this new Polar Follow-on satellite program last beyond 2016?

Secretary PRITZKER. Well, the Polar Follow-on program is one that has, I think, actually quite a long life, and I can get you specifically, Senator—

Senator SHELBY. Will you furnish that for the record?

Secretary PRITZKER. What?

Senator SHELBY. Would you furnish that for the record?

Secretary PRITZKER. Yes, I will, sir.

[The information follows:]

Question. Polar Follow-on.—The Polar Follow-on mission, how long will this new Polar Follow-on satellite program last beyond 2016? Will you furnish that for the record?

Answer. The Polar Follow-on (PFO) implements a long term strategy to build a robust[1] architecture that will extend operations of the overall polar satellite system to as far as fiscal year 2038. PFO is essential to maintaining continuity of polar observations, ensuring NOAA continues to provide accurate and timely weather forecasts and warnings beyond JPSS–2.

[1] The definition of a "robust" architecture has two characteristics: (1) two failures must occur to create a gap in data from Advanced Technology Microwave Sounder (ATMS) or Cross-track Infrared Sounder (CrIS) instruments and (2) the ability exists to restore a two-failure condition within 1 year of an on-orbit failure.

NOAA is focused on achieving polar-orbiting weather constellation robustness. The fiscal year 2016 President's budget request includes $380 million for PFO activities designed to achieve robustness as early as fiscal year 2023 and ensure continuity of NOAA's polar weather observations. There are three activities funded within PFO:

—initiate development of PFO/JPSS–3 to meet a launch readiness date (LRD) in the second quarter of fiscal year 2024, and PFO/JPSS–4 development to meet a LRD in the third quarter of fiscal year 2026.

—provide the option to accelerate PFO/JPSS–3 as a contingency mission with critical sounders Advanced Technology Microwave Sounder (ATMS) and Cross-track Infrared Sounder (CrIS) only.

—invest in development of an advanced technology Earth Observing Nanosatellite-Microwave (EON–MW).

NOAA will manage the PFO as an integrated single program with JPSS to incorporate efficiencies planned and implemented under JPSS. Authorizing PFO in fiscal year 2016 will allow NOAA to take advantage of the ongoing JPSS–2 instrument and spacecraft bus development to reduce schedule, risk and life cycle costs for the follow-on missions and implement a simultaneous instrument block buy for PFO/JPSS–3 and PFO/JPSS–4 instruments for the most efficient acquisition strategy and production cadence.

Secretary PRITZKER. The Polar Follow-on is a very important program for us, and thank you for the support that we've received in the past for this program.

One of the things that is important to know is that our satellite program, years ago, was not so well run. Today, we run a program that is on time and on budget. GOES–R Series program and our JPSS program are on schedule and on budget. But this potential for a gap that you talked about in your opening statement is one that we're very concerned about. The opportunity to do the Polar Follow-on is to allow us to use instruments that would be used for our JPSS–3 and –4 satellites. We would order them today, and if, God forbid, there's any kind of disruption in the satellite program that we have coming along, we can use those instruments for the disruption, which will help address the gap, but if there's no problem, then we will use those instruments on JPSS–3 and –4.

So this is a prudent way to manage our risk of a gap, but also, if there's no problem, then to use those instruments on our future satellites.

Senator SHELBY. What's the overall cost of the program, and do you have some projections on that? I would think it would be——

Secretary PRITZKER. I can get you those numbers. I know the request this hour is $380 million, but I don't know the—I'll get you the precise numbers.

[The information follows:]

Question. Polar Follow-on.—What's the overall cost of the program, and do you have some projections on that?

Answer. NOAA has an initial life cycle cost (LCC) estimate for the PFO of $8.2 billion. NOAA will continue to refine the LCC estimate through 2016.

Senator SHELBY. But generally, these kind of programs cost billions of dollars.

Secretary PRITZKER. Yeah. I'm sorry, Senator?

Senator SHELBY. I said, these programs cost billions of dollars.

Secretary PRITZKER. Right. What we've been doing is trying to manage, right at this moment, how to deal with the gap, but also not waste money, so that if there is no problem, then the monies that we spend today, the $380 million, can be used in future satellites. But I'll get you the—we're working right now on the total cost of those programs.

Senator SHELBY. Some specifics. The JPSS currently has an overall cost cap of $11.3 billion. How is this follow-on program, how does it differ from the JPSS and not just an extension thereof?

Secretary PRITZKER. No. It's included in the JPSS program, I believe.

Senator SHELBY. Ma'am.

Secretary PRITZKER. I believe it's part of the JPSS program.

Senator SHELBY. So it's an extension of it in a sense. Would you call it that, if it's part of?

Secretary PRITZKER. I don't think it's an extension. I think it's actually within the program you're discussing.

NATIONAL NETWORK FOR MANUFACTURING INNOVATION

Senator SHELBY. On the Network for Manufacturing Innovation, given our fiscal constraints, how would you balance the funding request for this new initiative with that of necessary funding for core programs, such as the Decennial Census? And how would the Department go about selecting the locations of these new institutes that you propose, and what assurances can you make to this subcommittee that the process would be transparent and fair?

Secretary PRITZKER. Well, Senator, first of all, running a transparent and fair process is something that we, at the Department, are committed to in all of our programs.

In terms of ensuring that the monies would be spent wisely, first of all, the National Network of Manufacturing Innovation, I think, is one of the best crafted programs that we have for innovation development, because it requires a partnership between the private sector, universities, the supply chain, community colleges, local government, and the Federal Government. And I've gone to visit the institute in Chicago that's devoted to digital manufacturing, and what you learn is, is that for these programs to be able to be successful, it takes the best of all of these stakeholders in order to bring the best technologies.

What differentiates the two institutes that we're proposing for the Department of Commerce to run is that the technologies that we would promote are technologies that would be determined by the private sector, as opposed to determined by the Federal Government. And the Department of Defense's and Department of Energy's Advance Manufacturing Institutes, those technologies have been driven by the needs of those departments.

The other thing to remember is is that our proposed budget of $150 million is made up of really three components, two institutes that would be funded each at $20 million a year in year one, $20 million a year in year two, and then $10 million a year each for years three through five, and then $10 million to run the network. And one of the things that I think is extremely important is that we actually put together an effort to support this as a network.

Your point about making sure that there are not communities left out of these technologies, one of the things that we've seen as these institutes have continued to be competed, is that more and more universities are reaching out to partners in different parts of the country, and also the companies that are participating are from all over the country. So the geography, they have to exist some-

place, but the truth is the participants tend to have a multiplicity of locations.

And I can give you examples. I could get our staff to give yours specific examples. For example, in Chicago, I think there are a number of universities throughout the Midwest all the way down to Texas that are participating, and this is true of the other institutes as well. It's become much more of a consortia process, where then researchers go to that location, but they're still affiliated with their local universities.

Senator SHELBY. That information would be helpful.

Secretary PRITZKER. Terrific. Happy to supply it.

[The information follows:]

Answer. *NIST/DOD Response.*—There are three existing DOD-led manufacturing institutes: America Makes headquartered in Youngstown, Ohio focused on additive manufacturing; Lightweight Innovations for Tomorrow (LIFT) headquartered in Detroit, Michigan focused on lightweight metals; and Digital Manufacturing and Design Innovation headquartered in Chicago, Illinois focused on the digital thread for manufacturing. Each institute serves to anchor the region on their respective technologies while growing to national prominence as reflected in their diverse and growing memberships as outlined in the two examples below:

1. America Makes—currently has 6 Federal Government Agency members, 36 Universities and other Academia members, 62 Industry members, 14 Non-Profit Organizations, and 3 Manufacturing Extension Partnerships all spread across 28 States including: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Wisconsin, West Virginia.

2. Digital Manufacturing and Design Innovation, headquartered in Chicago, Illinois, currently has the following members who have signed a membership agreement: 1 Government member, 20 Universities and other Academia, and 47 Industry members, spread across 25 States including: Alabama, Arizona, California, Colorado, Iowa, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Nebraska, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia and Wisconsin. There are an additional 9 Federal Agencies and Services involved including Army, Navy, Air Force, NIST, National Science Foundation, NASA, Defense Logistics Agency, DOE, and Office of the Secretary of Defense. Additionally, original team members are in the approval process for signing the current membership agreement: 3 Government members, 10 Universities and Academia, and 31 Industry members, adding 5 States and the District of Columbia including: District of Columbia, Florida, Georgia, Maine, New Hampshire, and Washington.

Secretary PRITZKER. My last point on this, Senator is one of the things that is so important to remember about this effort is that, for us to remain competitive, we need to get our best technologies out of the laboratory and to market, and we need to do it expeditiously.

To give you an example, today, we have five institutes, five or six, that have been called for. And Germany has 60 of these today. So this is an important part of our remaining on the cutting edge of innovation. And we know that a third of our economic growth since 2009 has been through innovation.

Senator SHELBY. Senator Mikulski.

NOAA SATELLITES

Senator MIKULSKI. Thank you, Mr. Chairman. Secretary Pritzker, I'm going to pick up on NOAA satellites, an issue that we began—first of all, I've been NOAA satellite obsessed. Number one, because of the role they play in helping us predict the weather. Second, that our satellites are aging in place. But third, that our

satellites were really—and the operation was bordering on a techno boondoggle.

Starting with Secretary Gutierrez, then with Dr. Becky Blank under the Obama administration, and now with you, we really wanted to reform the satellite program. NOAA's satellites, why am I so hot on the satellites? It makes up 20 percent of your budget and 60 percent of the NOAA budget. So if satellites don't work, we're impeded, because it's a negative on our ability to provide contemporary and global weather forecasting, and it knocks the hell out of our budget.

So my question to you is three-fold. Number one, do you continue to reform and do the vigorous oversight that was at the highest level under the Department of Commerce? Number two, does this budget that you're asking fund the satellites that we have while we're looking at the cool new stuff. And number three, for the cool new stuff and the JPSS, the satellites –3 and –4, what is it that you're doing now to prepare yourself, because I do worry about our satellites aging in place?

Secretary PRITZKER. Well, Senator, thank you.

Senator MIKULSKI. So that's reform, how are we doing with what we've got now, and number three, are we really doing the right planning for the future?

Secretary PRITZKER. Well, Senator, first of all, thank you for asking. I mean, the satellite program is near and dear to my heart, as it is to yours, to make sure—because what's at stake here? What's at stake are lives and property as well as the ability for our businesses to get their goods and services to market, as well as for our employees to get to work. And so it's a very serious and very important endeavor that we have.

So the reform and good management are of the highest priority for our team at NOAA and at the National Weather Service. And Dr. Uccellini, who you know well——

Senator MIKULSKI. I just need you to keep moving it, because I've got only three more minutes to go.

Secretary PRITZKER. Got it. Sorry about that. Anyway, in terms of satellites, yes, we're totally committed to reform. In terms of the JPSS program, this is one that it's extremely important that we fund our polar satellites, and yes, that's included in our budget. And then as you call it the cool new stuff, or the Polar Follow-on, is extremely important, because what it will do is serve two purposes for us. One, in case there's any kind of launch disaster, we'll have instruments in the pipeline. And second, if there is no disaster, or in case, for example, the existing polar satellite Suomi National Polar-orbiting Partnership (NPP) that's up there that is past its useful life, if we have a gap, we have instruments in the pipeline. And otherwise, we will use those instruments on JPSS–3 and –4.

NATIONAL INSTITUTES OF STANDARDS

Senator MIKULSKI. I appreciate that. And I think you see here a bipartisan support for the necessity of the satellites, but to make sure we're getting our money's worth.

I'd like to go into another agency, the National Institutes of Standards. And I say to my colleagues, particularly the new, if you

want to look at cool stuff, come to Maryland and what your great Federal labs are doing. And everyone here is familiar and enormously supportive of NIH. I know the Chairman certainly is. But the National Institutes of Standards, which it sounds kind of geeky, because they do measurements, really helps move jobs to the private sector.

My question to you, Secretary Pritzker, could you elaborate on the labs to market and also how you're working with the private sector?

I have an example here where MedImmune, a pharmaceutical company in my State that employs 2,000 people, that's just a few miles from NIST, has signed a contract with them, a 5-year Government agreement, giving it access to NIST expertise and measurement, and is helping pay for seven post-doctoral researchers to be used in pharmaceutical research. And MedImmune is crazy about this. They're going to be what the private sector does, but they need the Government to help them with the new measurements and the new way of accessing things for the new biosimilars and other products. So MedImmune says it can't grow and bring other ideas to market without NIST.

Could you talk about what NIST means in labs to market? Because whether it's our Federal labs, whether it's our universities and so on, it is about, ultimately, the new ideas that create new products, that will create the new jobs. Could you elaborate?

Secretary PRITZKER. Yes, Senator. Recently, I was out at Stanford. And one of the things to remember, what does NIST do? NIST sets standards for everything that we use, whether it's buildings or it's biosimilars. So right now, in terms of biotechnology and bioengineering, it's extremely important that we begin to figure out how to measure things that are being developed in the laboratory so that then they can—first of all, those products can be replicated to a certain specificity. But if there's no way to measure what it is you've got, there's no way then to know if you've replicated it.

So it's an extremely important function that we play. It's a very broad function. But it's absolutely—for innovation in America, and for the ability of our businesses not only to be successful in our country and innovate here, but also around the world, NIST, the development of standards, is something that is critical in this development of measurements. And that role is something that is one I've come to really appreciate.

Senator MIKULSKI. So what is the labs to market going to do?

Secretary PRITZKER. So labs to market, we have a number of efforts. First of all, we have the National Network of Manufacturing Innovation, which is about how do we take technologies in manufacturing, and how do we bring them to market. And those are in different areas, whether it's 3D printing, composite materials, lightweight materials.

There's other efforts in our Centers of Excellence at NIST that are focused on advanced materials, whether they're in biosimilars, forensic sciences, disaster resilience. These are areas where NIST will provide and work with a new business model to leverage outside research expertise with university expertise to bring these concepts and new discoveries to market.

And these are topics that are developed in partnership. And that's what NIST is also really good at, is working in partnership with the most cutting-edge researchers, but also with the private sector, so that ideas don't just sit in our universities, or sit in our laboratories, whether they're Federal or they're private universities, it's important that we get those technologies out into the marketplace.

Senator MIKULSKI. Okay. My time is up. But I just say to my colleagues, when we all worked with mammogram standards, it was NIST that helped develop what the standards should be, and I could give lots of examples. Come on down and visit. We'd have a good time.

Senator COLLINS. Thank you, Mr. Chairman. Madam Secretary, welcome.

Secretary PRITZKER. Thank you.

UNFAIR SUBSIDIES

Senator COLLINS. Along with my main colleague, Senator King, and Representative Poliquin, I recently wrote you about the unfair subsidies provided by the Provincial Canadian Government of Nova Scotia to a paper producer in Port Hawkesbury. I very much appreciate your very prompt response.

Our highly skilled paper workers in Maine can compete successfully whenever there's a level playing field, but they cannot compete when a foreign government is providing more than $100 million of subsidies to a mill that is manufacturing the same kind of product.

I understand that the coalition for fair paper imports, which includes Madison Paper Industries, which employs 240 workers in my State, will soon file a petition for countervailing duties covering the imports of supercalendered paper from Canada in response to the more than $125 million in subsidies already provided by Nova Scotia.

Can you update me on what the next steps would be in dealing with these unfair subsidies once the petition is filed, which will happen shortly?

Secretary PRITZKER. Senator Collins, first, as you know, we take enforcement and compliance very seriously at our department. Ensuring a level playing field is one of our number one priorities at the International Trade Administration, and enforcing trade remedy laws is something that is very, very important to me personally.

We will keep you informed as we can. There are rules about what we can say at different points during the process. But as appropriate, absolutely, we would be happy to keep you informed.

Senator COLLINS. Thank you very much. The other issue that I want to mention to you today is the U.S.-Canadian Softwood Lumber Agreement. This was negotiated in 2006, and it had been said to expire in 2013 but was extended to October of this year.

I will tell you that this is an extremely complicated agreement. It involves different patterns of ownership of the land in Canada, different stumpage fees. The location of cross border mills makes it extremely complicated. And the previous agreement was plagued

by a failure of our Government to enforce it fully when the Canadians, on occasion, violated it.

As the deadline approaches for the expiration of the agreement in October, I ask that the Department as well as the U.S. Trade Representative, and I know you can't speak for him, but I ask that your department be very engaged with U.S. forestry stakeholders and the Canadian Government. And specifically, because of the complexity, because the maritime provinces are different in their ownership than British Columbia for example, because we have mills right on the border that process lumber that is cut, where the wood is cut in Maine, I would ask that you develop a process to ensure that the views of Maine stakeholders are considered as you go into the new negotiations.

Secretary PRITZKER. Well, Senator, I appreciate your raising this agreement. And we'll work with you and your staff to better understand the issues at stake and to make sure that we take the citizens of Maine's interests into consideration as we deal with it.

Senator COLLINS. Thank you very much.

Secretary PRITZKER. Thank you.

Senator COLLINS. Thank you, Mr. Chairman.

Senator SHELBY. Senator Baldwin.

Senator BALDWIN. Thank you. I don't know how often it is that a previous set of questions so well sort of queues up for what I want to ask you about the paper industry and a level playing field.

So my first question is in relation to the Department's role in ensuring a level playing field for U.S. manufacturers, and particularly in the paper manufacturing sector. It's especially important in my home State of Wisconsin.

And I do want to applaud the administration's recent WTO challenge to China's Export Subsidy program, which provides $1 billion in illegal subsidies over 3 years. And while this $1 billion subsidy, it's large, it pales in comparison to the estimated $33 billion in government subsidies that Chinese paper companies have received over the last decade.

Now, not only are paper companies in China receiving extensive State-backed support, but we continue to see importers bringing Chinese paper products, especially thermal paper products, into this country that are subject to antidumping and countervailing duties, without paying a dime in duties.

And I understand that the budget request contains $15 million for the Interagency Trade Enforcement Center, which in my mind, should be working to eliminate these kinds of practices. In addition, there is $16.4 million specifically for China antidumping and countervailing duty enforcement and compliance activities. These amounts are similar to previous years, and yet paper companies in my State do not feel like there has been adequate attention to stem this tide.

So do you agree that this is a significant problem? And if so, how is your budget going to help stop it?

Secretary PRITZKER. Senator, thank you. You know, trade enforcement is a big priority for us at the Department and this administration, and we need to be very serious about this to ensure that American workers and businesses are competing on a level playing field, as you mentioned, around the world.

And the President established the Interagency Trade Enforcement Center in 2012 to enhance our ability to identify and address violations of trade agreements. And that's why we've asked for an additional $15 million in this budget to allow us to add personnel to the ITEC and continue to enhance these efforts to fight challenges like you were talking about for your paper industry and challenge and address unfair trade practices.

[The information follows:]

The Department of Commerce has had frequent conversations with Senator Baldwin's office on a number of requests the Senator had with Secretary Pritzker during the hearing. Per the request of the Senator's office, we held an AD/CVD briefing with her office. This briefing-covered the basics of AD/CVD as well as included a focus on cases involving China. Additionally we are working with Senator Baldwin's office to hold a joint DOC/USTR briefing on the basics of the ITEC program. We expect that briefing to take place soon.

And I'd be happy to have our staff follow up on the specifics of the paper challenge for Wisconsin. I just want you to know though that, in terms of today, we have about 310 antidumping and countervailing duty orders in place, and 40 percent of those are on products from China. So we take this role extremely, extremely seriously. And last year alone, we brought more cases than we have any year in the past 10 years.

Senator BALDWIN. Thank you. I want to turn to another topic that was raised earlier, which is the National Network for Manufacturing Innovation. And I'm actually pleased to see that the President's budget request is working to make sure that the next wave of high-tech innovation is happening here in America rather than overseas.

I can tell that, in my home State of Wisconsin, organizations like the Water Council and the Midwest Energy Research Consortium are really already doing the hard work of on the ground organizing of clusters of innovation around private industry and academia. And I give you an open invitation to come visit those efforts, which are very impressive.

But as we move forward, I want to kind of dovetail on Chairman Shelby's question of what sort of input are you taking from the private sector, from academia in making decisions about what these next institutes will embrace? Is there an open call for ideas? Are you holding workshops? My constituents are very eager to know how they can highlight the work that's already being done on the ground.

Secretary PRITZKER. So as you know, the legislation passed at the end of last year, but NIST has been focused on how to run, how to garner this kind of information for the past several years and is putting in place—and that's why we've asked for the $10 million, but we have ideas and plans, but we want to garner that kind of input from the private sector to be able to have a broad effort outreach, so that we're gathering the best ideas available from the private sector.

Senator BALDWIN. Well, as those are developed, I hope you will come and have your staff brief interested subcommittee members on how that's developing, because our constituents are very eager to know.

Secretary PRITZKER. Would be delighted to do that. I know it's an area of interest to many of you.

Senator SHELBY. Senator Lankford.

Senator LANKFORD. Thank you. And thanks for being here as well.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Secretary PRITZKER. Thank you.

Senator LANKFORD. Grateful to be able to have the conversation. I want to talk a little bit about where we stand with ICANN, once favored conversation, and DNA—or I'm sorry, DNS, not DNA. DNA would be fun to talk about as well, by the way, if you want to talk about that.

But the budget request has a note in it that I thought was interesting. It says in fiscal year 2016, NTIA will continue to develop, implement, and advocate policies positioning the U.S. to meet growing complexities and political challenges related to Internet governance and the domain name system.

Tell me the status of where you're headed on this. And obviously, Congress has spoken back on it, is a little hesitant. So specifically, while you're talking about status on it, how are you balancing the foreign policy objectives with United States commerce, and I mean commerce as a whole of our business world, and how dependent we really are on this Internet.

Secretary PRITZKER. Well, let me start by saying NTIA, our role is stewardship of the Internet. And so our goal has been to continue to move ICANN to a multi-stakeholder model. And in fact, we deal directly with ICANN, and the leadership of ICANN and their CEO is coming in tomorrow.

Senator LANKFORD. Can I interrupt for just a second? The question there is the why. And I think it's the——

Secretary PRITZKER. Why?

Senator LANKFORD [continuing]. Policy question, why try to move that outside of stewardship? Has it been a problem that we've been a steward with it? Why remove American stewardship from the Internet?

Secretary PRITZKER. Well, we're not giving up our stewardship of the Internet. But the challenge that we face with the ICANN IANA transition is this is a—and first of all, we're not going to give up our position of overseeing the IANA domain name situation, unless we can assure ourselves there's a multi-stakeholder process, and it's not going to be jeopardized, that there's going to be stability and resiliency and security in the domain name system, and that it meets the needs of global customers, and that the Internet will remain free and open.

The challenge we face in our role is the perception of our role in the global environment. There is a lot of pressure, as you said, from foreign governments to, in essence, take over control of the Internet and try and create places where governments are in control of what's happening with the Internet. We think that is the wrong direction to go, and therefore, what we feel is that we're really an oversight. ICANN is actually performing the IANA functions.

And so our goal is that ICANN continue to perform those functions. But the appearance of our engagement creates this notion of that the U.S. is a government in control, and that's against where

we ultimately—we want to be able to argue with the rest of the world, that's not what we want to see of the Internet.

Senator LANKFORD. Right. I understand. And the skepticism is when we release the first generation, there may be some good oversight of that, and then what happens 5 years from now and etc., so what happens with China and Russia? And we can have a longer conversation. I just want to be able to express some continuing skepticism on it.

Secretary PRITZKER. Senator, I share your concern about that. And one of the criteria that I've said is is we've asked for ICANN to explain to us how they're going to be accountable to a multistakeholder process, and there cannot be what I call a hostile takeover of ICANN.

Senator LANKFORD. Correct. And I would affirm that. One other thing I just want to be able to chat about as well are the IG reports. As I got a chance to go through some of those, some of the high risk contracting, it sounds like you're working through that process on that. I'd just affirm that, to continue to press on that.

COMMERCE BETWEEN THE UNITED STATES AND CUBA

And then one other question that I wanted to be able to bring up to you deals with Cuba and the Cuba policy at this point. You and I have exchanged letters back and forth, and thank you for being prompt in your response on that. I really do appreciate that.

As we've exchanged letters, the question that I had is, the Administrative Procedures Act is pretty clear that you can only use the statement about this being foreign affairs related if there's an emergency situation. I'm still trying to determine what the emergency situation was to make the change in Cuba policy without going through the Administrative Procedures Act, without opening this up.

Secretary PRITZKER. Senator, I would have to work with my staff and your staff to address that specific issue, because I'm not familiar with it particularly, but I'd be happy to do that.

Senator LANKFORD. Yeah, because glad to be able to follow up on it. What I don't want to do is open the door, which it appears to have just happened, because the President, any president—and this is not about a personal thing on the President by any means and their agreement and disagreement on Cuba policy and where it's going, but when we make a change in policy that doesn't follow the Administrative Procedures Act and you reach back on a 70-year-old law and say, we're going to practice this a little different than what has been done in the past, it concerns me.

Secretary PRITZKER. I understand your concern.

Senator LANKFORD. And the change in Cuba policy seemed to be connected to, this is foreign, and so it's allowable. With that exception, anything related to a foreign government would be allowable. And the Administrative Procedures Act was pretty clear it had to be an emergency situation.

Secretary PRITZKER. Well, following the law is our number one objective here at the Department of Commerce, and in terms of the specifics of the Cuba policy as it relates to the Administrative Act, we'll be happy to follow up with your staff.

Senator LANKFORD. Thank you. We'll follow up from there. Thank you. I yield back.

Secretary PRITZKER. Thank you.

Senator SHELBY. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman. Thank you, Secretary Pritzker, both for your service and for being here today.

NOAA MANAGEMENT OF FISHING

Secretary PRITZKER. No, thank you.

Senator SHAHEEN. My first concern that I want to raise today is about the impact of NOAA's management decisions on our fishing industry in New Hampshire. I think we all share the concern that we want to see stocks rebound in the Gulf of Maine and in the Atlantic. But in November, NOAA announced the immediate implementation of additional closures in the Gulf of Maine and other limitations on fishing capacity for the remainder of this fishing season.

I've heard concerns from fishermen in New Hampshire, not just about the decisions that were made, but also about the lack of notice and about the lack of transparency in how this process was handled.

New Hampshire, which started out as the smallest fishing fleet in New England, has been hit hardest by management decisions for years now. The latest regional economic impact estimates predict that New Hampshire fishermen are likely to see their reduced revenues cut by an additional almost 50 percent from this year to next. And that's more damage than any other State in our region is experiencing.

So not only am I concerned about the decisions that have been made and the impact, but also about the lack of transparency, the lack of engagement with the industry, and the lack of notice. So I wonder if you could speak to that, and if you could give me a commitment that you will personally look at what's being done there and see what we can do to make some of those decisions less impactful on New Hampshire?

Secretary PRITZKER. Well, Senator, first of all, I know how important fishing is to all the coastline communities, and particularly in New Hampshire. And, you know, it's a difficult time, as you know, for New England fisheries and communities. And that is why we put John Bullard up in that area, to work to assist, and working with the communities and fishermen.

And I will follow up with him to understand what the issue might be around notice and transparency. He prides himself in trying to work very closely with all of the stakeholders, and I have a lot of confidence in him, so I want to find out exactly what happened.

Obviously, it's a tough time, because the stock is in the worst shape that we've seen in 40 years. And so we appreciate—I am very sensitive to the impact on families, on the businesses of these decisions, and I will personally look into this issue around transparency and notice, because we absolutely—our goal is to work very much with the stakeholders, local stakeholders, and that's why we actually put someone in the marketplace.

Senator SHAHEEN. Well, thank you. I appreciate that. I hope that thought will also be given to how to ameliorate the impact on the fishing industry in New Hampshire, which, as I said, started out with some obstacles that are not shared by other states in New England.

Secretary PRITZKER. And we're working on making sure the fishery disasters funding——

Senator SHAHEEN. Which has been very helpful. Thank you.

Secretary PRITZKER [continuing]. It gets to the State as quickly as possible.

EXPORT CONTROL

Senator SHAHEEN. Thank you very much. I was pleased to hear, both in your testimony and your written testimony, the emphasis on exporting. I think it's very important. It's been very important to our small businesses in New Hampshire. And one of the aspects that has been challenging for many of our businesses has to do with our export control system, and I know that has been under reform over the last several years.

And I wonder if you could both talk about where we are in terms of reforming the export control system and also what kind of efforts are being undertaken to get the word out to small businesses about the changes that are being made and what kind of reaction you're getting from them with respect to those changes.

Secretary PRITZKER. Well, Senator, I appreciate your asking. As you're aware, the Export Control Reform, we have about 15 of the 21 munitions lists are completed at this point, and we're continuing to make progress on the simplified system, so that we can strengthen our national security and competitiveness. That will mean for BIS that our number of licenses per year will go from 25,000 to over 50,000 by fiscal year 2016. So we're sort of more than doubling both licensure work.

In order to do that well, it's really important that we have funding to be able to get the word out. We have not had funding over the past several years to be able to really go out and promote what's happening in terms of Export Control Reform. That would be extremely important. And then the second is, we're requesting funding to increase enforcement, something that I know is of interest to a number of the senators here.

As we increase the number of licenses, we need to be able to increase enforcement as well as we need to be able to increase our ability to gather information before we give a license to someone. So we're very much focused on how all of this is connected together. We want to service our clients as well as possible, and that's why you see us asking for an increase here. It's really due to the fact we're being asked to do much more work because of the new items, I think it's tens of thousands of items, that have been transferred from the State Department to us.

Senator SHAHEEN. Well, my time is over, but again, I want to applaud that effort and encourage you to continue to work very hard on that and to suggest that maybe there's an opportunity working with SBA to help with outreach to small businesses, because they have fewer resources to be able to export, and anything that can be done here is really important.

Secretary PRITZKER. And I'm quite focused on helping small and medium sized businesses export. I've had a lot of opportunity to meet with them over the last several months.

Senator SHAHEEN. Thank you.

Senator SHELBY. Senator Collins, you have a comment.

Senator COLLINS. Thank you, Mr. Chairman. Since I had 40 seconds of my time that I didn't use, I would just want to reclaim it, and I thank the Chairman for allowing me to do so.

I just want to associate myself with the comments made by the senator from New Hampshire on the fishing issues. I've heard exactly the same concerns from the lobstermen and the fishermen who fish and do lobstering in the Gulf of Maine. And there's a great deal of anger about the new regulatory restrictions, the lack of consultation, and I'm very concerned about it. So I just wanted to associate myself with Senator Shaheen's comments. Thank you, Mr. Chairman.

Senator SHELBY. Senator Kirk.

Senator KIRK. Secretary Pritzker, Penny, I wonder if I could raise an issue with you about OSI, one of our largest food processors in Illinois, who has had problems with the Chinese Government. I know you may have raised these issues at the JCCT, which you graciously held in Chicago.

Secretary PRITZKER. Senator, let me tell you. I did speak at the highest levels about OSI to the Chinese Government. We are following this case very carefully to make sure that OSI is being treated fairly. There have been some positive signals that we have received, and so this is something that's high on our priority list to follow.

Senator KIRK. Thank you. Thank you, Mr. Chairman.

Senator SHELBY. Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Welcome, Madam Secretary.

Secretary PRITZKER. Thank you, Senator.

FISHING REVISITED

Senator MURPHY. I wanted to follow up on questions regarding New England fishing. In Connecticut, our fishing industry has been decimated. We were largely a shellfish economy along the shoreline. And as our lobsters have moved northward to Maine, we have struggled to figure out how we replace that capacity. But aquaculture has been a part of that, and we've had some real encouraging developments regarding new technologies through which we're able to harvest some pretty serious new amounts of oysters and other native species through the sound.

We have a lab in Milford, Connecticut that gets about $3.4 million in Federal funding along with lab in Manchester, Washington. These are the two facilities that house NOAA's shellfish research. That's an industry that, right now, even with the declines, produces about $30 million for Connecticut along.

I just wanted to make sure that there's still going to be a commitment to this aquaculture research, both in Connecticut and in Washington. We're seeing real progress and real gains because of that funding, and it's important to us that that commitment continue.

Secretary PRITZKER. I appreciate that. And as far as I know, there's no change. But I will make sure and confirm that.

[The information follows:]

Question. Aquaculture and Milford Lab.—We have a lab in Milford, Connecticut that gets about $3.4 million in Federal funding along with lab in Manchester, Washington. These are the two facilities that house NOAA's shellfish research. That's an industry that, right now, even with the declines, produces about $30 million for Connecticut. I just wanted to make sure that there's still going to be a commitment to this aquaculture research, both in Connecticut and in Washington. We're seeing real progress and real gains because of that funding, and it's important to us that that commitment continue.

Answer. Yes, that commitment will continue. Science is essential to supporting aquaculture expansion in an intelligent and sustainable manner, and NOAA supports U.S. aquaculture development in part through world class research. It is clear from past experience both at home and abroad that poorly sited or managed marine aquaculture operations can have negative impacts to the marine environment. But with sound scientific advice and science-based tools, it is possible to avoid such potential impacts and allow for the industry to grow in environmentally and economically sustainable ways.

NOAA' s aquaculture science portfolio comprises complementary and coordinated efforts in three NOAA line offices. Together these efforts are critical to achieving the administration's goal of supporting sustainable marine aquaculture. NOAA Fisheries focuses on developing science-based "tools for rules" to help inform permitting and other regulatory decisions, as well as working with industry partners on a range of topics such as hatchery techniques and disease management. The NOAA National Ocean Service develops coastal planning and management tools and services. The Sea Grant program at NOAA's Office of Oceanic and Atmospheric Research provides grants to external partners for industry development, as well as technology transfer and extension. These efforts and those of other Federal agencies (e.g., USDA) are coordinated under the 2014 The Strategic Plan for Federal Aquaculture Research, published with NOAA' s assistance and leadership by the White House's Office of Science and Technology Policy.

Two laboratories house the bulk of NOAA Fisheries' aquaculture science portfolio—the Northeast Fisheries Science Center's Milford, Connecticut lab; and the Northwest Fisheries Science Center's Manchester, Washington lab. Milford has traditionally been a shellfish aquaculture lab (e.g., siting tools, disease management, and ecosystem services) and Manchester has been a finfish aquaculture lab (e.g., feeds development, finfish hatchery and growout methods). However, there is growing coordination and collaboration in certain areas such as some aspects of feeds research.

NOAA's science, regulatory, and outreach activities have made a substantial and measureable impact on the sustainable development of marine aquaculture and related jobs, especially in the northeast. From Virginia to New England, aquaculture has grown significantly over the past several years, with booming production of shellfish leading the way. Aquaculture in the northeast has grown to be the third most valuable fishery in the region, behind only lobster and scallops and roughly three times the value of the groundfish fishery. All indications are that, with continued support, there will be additional growth, providing more domestic seafood and jobs.

NATIONAL NETWORK FOR MANUFACTURING INNOVATION

Senator MURPHY. And then if I could just ask a second question on the National Network for Manufacturing Innovation. I know you made reference to this in your prepared testimony. I'm so glad that we're continuing to expand this program. I think it's absolutely transformational. It's discouraging to us in the Northeast, which is the most densely populated part of the country, that with five centers, and not yet one has found its way to our neck of the woods.

You, I think, in your testimony said that you were going to be guided by industry in terms of what the focus should be. I would love for you to expand on how your process is going to occur, so that we can make sure that industries in the Northeast, the aero-

space industry, I would argue, at the top of the list, get a fair shot at making their case.

We really believe that, as you have this tsunami of aerospace purchasing coming, both from the private sector and the public sector over the course of the next 10 years, that if we are innovating at a pace that's fundamentally different than other competitors, that we can gain a greater lion's share of that work. So we believe that an aerospace focused manufacturing innovation center should be one of the next that's authorized.

But if you could just share how we can get the best input into your process of decisionmaking, I'd appreciate it.

Secretary PRITZKER. Well, obviously, at the time that the competitive process would be run, it would be open, transparent, and a broad request for proposals. That process will be dictated by NIST, as they are really our expert at taking things from lab to market, and they've been preparing for how to run these types of competitions. But I can get to your staff kind of the specific processes that they will use. And I appreciate the value of the aerospace industry, and I'm sure it's one that's high on the list of priorities.

Senator MURPHY. It's a moment in time where, if we capture the best available technology, there's a mountain of work to be had. And we used to just have a natural competitive advantage over the rest of the world that is declining, decreasing as time goes on.

Finally, just to use my last 30 seconds of so, it's my first opportunity to be a member of this subcommittee and to have you testifying in front of us. I just want to tell you how excellent your staff is in Connecticut. Anne Evans runs the local office, and if she had two or three more people, she could be creating hundreds, if not thousands, more jobs, just to make an advertisement for the scope of your personnel in our states.

When you have good people on the ground doing outreach to especially these small and medium sized businesses that have no idea how to compete globally if not for the expertise you lend, the power, the multiplication of business that your presence creates is pretty substantial. So please, pass my thanks along.

Secretary PRITZKER. Thank you very much. And Senator and Mr. Chairman and Madam Vice Chairman, one of the things I have asked our ITA to do is to do a review of the effectiveness of our U.S. Export Assistance Centers and our Foreign Commercial Service.

As the success of more and more of our communities around our country depend upon exporting, I want to come back to you with a report as to where I think it would make sense for us to do more, because we do get this kind of response as to the effectiveness, particularly for our small and medium size businesses, which are so important to everyone's States.

[The information follows:]

The Department looks forward to working with the Congress on a funding profile for our export assistance program which ensures that U.S. small and medium sized businesses are on a strong competitive footing internationally. The Department is currently assessing our domestic and international capacity for meeting this goal and will provide any new information concerning the proposed direction of this effort at the appropriate time.

Senator MURPHY. Thank you.

Secretary PRITZKER. Thank you.

Senator SHELBY. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman. And since this is my first hearing of this subcommittee, I want to extend to you and the Ranking Member congratulations. I look forward to working with both of you, and I'm very honored to serve on the subcommittee.

HERBERT C. HOOVER BUILDING RENOVATION

Madam Secretary, thank you for having the freshman class down to your building, which when you mentioned in your opening statement that you wanted to modernize, I think you'll get all of us to agree, that's probably a good idea. It was beautiful in the library, but as you explained to me, this is as good as it gets.

Secretary PRITZKER. Right.

BROADBAND ACCESS

Senator CAPITO. So anyway, I appreciate that. A recent study by the FCC indicated that 56 percent of West Virginia residents do not have access to broadband services that meet the FCC benchmarks. In rural areas in West Virginia, it's as high as 74. It is the worst in the Nation. And I don't claim that as a source of pride, either. But I don't need a study to understand this. I mean, when I'm seeing constituents driving around, there are small businesses and individuals and residents who absolutely are hamstrung in terms of being able to get broadband in West Virginia.

Within your department, the National Telecommunications Information Administration recently released a study talking about the economic benefits of broadband access in terms of increased economic output and higher levels of employment. Understanding how these funds are spent, I think we find ourselves, in our State, in a bit of a quandary, because there are many states that have access, and so what they want now is faster, broader, bigger capacities when there's still parts of the country, and particularly where I live, where we're still not even getting a minimal standard.

And so if you're looking at allocating funds and emphasizing where you're going to place your real strength in terms of dollars, I think that presents a—not controversy, but you have to make decisions. So I guess I would ask you, how are you looking to help build out those areas that are underserved and still lacking in access? And are there any programs that you're developing that will target these areas, particularly the rural areas, because that's what's left, the more sparsely populated areas, which do not meet the national average for access?

Secretary PRITZKER. So Senator, NTIA used to have grant money under the BTOP program, which actually exceeded our goals and put about 113,000 miles of broadband networks down in the United States and connected schools, libraries, I think 25,000 schools, libraries, health facilities.

Those funds have been spent. I think they were appropriated in 2009 and 2010. And so now what we're doing is, we're talking the expertise that we have, and we're working with communities, such as the ones that you're talking about in West Virginia, on technical assistance. And in fact, I went out to Cedar Falls, Iowa with the

President to look at what communities can do to bring state of the art—they have one gigabyte of broadband——

Senator CAPITO. That's what we have.

Secretary PRITZKER. Which is equivalent to the best in the world, one gigabyte.

Senator CAPITO. Oh, no, we have——

Secretary PRITZKER. No. You've probably got one megabyte or something.

Senator CAPITO. One megabyte.

Secretary PRITZKER. Right. Exactly.

Senator CAPITO. I'm getting my megas and gigas mixed up.

Secretary PRITZKER. I'm right there with you. But basically, we're working with communities to how can they come up with plans to actually do broadband themselves. And so we're using our technical expertise to help them.

And Cedar Falls was able to borrow the money and pay it back in 5 years by virtue of putting in this broadband access. And in fact, what they're hoping to do is do more in more parts of their State. So I've seen where communities can kind of take the reins in the own hands and really improve their access to broadband, which we know is so critical for not just economic prosperity, but for education and for communication and for safety.

Senator CAPITO. Well, thank you. And I hope that we can work together to try to meet this challenge.

Secretary PRITZKER. Absolutely.

Senator CAPITO. Lastly, I would say, your department, through NOAA, has quite a substantial infrastructure investment in Fairmont, West Virginia, and we're very, very happy about that. The I–79 Technology Park, which has your backup data system, I would just like to put a plug in for expanding your footprint in that area. You already have made quite an investment. The park is the location for the backup ground stations for your GOES–R Series and your JPSS satellites.

Secretary PRITZKER. Oh, terrific.

Senator CAPITO. Yes. And I know it's not complete, but I think there will be excess capacity there, we are told, not just as your backup data center, but there will also be some possibilities for growth. I'd like to work with you to try to grow that footprint.

Secretary PRITZKER. We would be delighted to work with you.

Senator CAPITO. All right. Thank you so much.

Secretary PRITZKER. Thank you.

Senator SHELBY. Thank you, Senator. We'll go into a second round, Madam Secretary.

THE CENSUS

The Department of Commerce has the responsibility, as you well know, to administer a constitutionally mandated census every 10 years. The 2016 budget request that I mentioned in my opening statement includes a significant investment in enterprise computer system that will help not only the Bureau's annual statistic activities, but will be scalable in order to accommodate the activities of the upcoming 2020 Decennial Census.

Having an enterprise system that can serve the data collection backbone of the Bureau holds great promise for both cost reduction

and efficiency. If this new computer enterprise were to fail, we could see costly impacts across the Census and the Department. We've been there before. This comes at a time when Census currently only has, as I understand it, 17 of 34 of its own 2020 Census requirements base-lined.

The question is this, Madam Secretary. What is the Department of Commerce doing to ensure that this system, a CEDCaP will not become another costly technological setback that could potentially endanger all of the other data collection activities at the Census? You have a lot of that.

Secretary PRITZKER. Senator, you know, CEDCaP is a very important endeavor, because what we need to do is bring together I think it's 14 different systems in order to streamline the way that we do the Census. So it's a system of systems. So why should we have any confidence that we can do this?

First of all, it's something that we are working on the development of CEDCaP at this time. We have to test it. I know this from my private sector experience, Senator. I ran a company that was a complete bits and bytes company, and we did a total systems transformation, and I know how perilous those can be. This has enormous attention and profile within our department. We are very focused on this, not just at the Census level, but in the Office of the Secretary and with our Chief Information Officer for the entire department.

But the way one does these types of systems is you have to chunk them out, and you have to test them as you go, so that you don't have one big moment, whether it either works or doesn't work. And that's why it's so important that we get funded for fiscal year 2016, so that we can do, I keep harping on this, and you'll hear me say this, testing, testing, testing. Because we need to know that the opportunity, to not just put a system in place but to run the Census at cost of $13 billion rather than a cost of $18 billion, is one that's achievable.

And as a steward of the taxpayers' dollars, this is extremely important to me. But we have to invest in order to save that money, because we have to test to know these systems will be reliable, because we're held accountable for an accurate census, and that's something we take near and dear to our hearts as our core responsibility.

Senator SHELBY. I know you bring a lot of private sector experience here, but failure can't be an option here. It wouldn't be in the private sector. The business would be gone, would it not?

Secretary PRITZKER. I hear you, and I have been in this situation before in the private sector where failure is not an option as you transfer systems in. So therefore, we bring a very disciplined approach to this.

FISHERIES

Senator SHELBY. Absolutely. Appreciate that. I want to get back into fisheries. We've been talking about it from every perspective. The Department has the important responsibility of managing our Nation's fisheries through the National Marine Fisheries Service. Regulatory decisions which are based on fishery stock assessment data, getting back to your database, can significantly affect com-

mercial and recreational fishermen and cause economic harm and disruption when the data is erroneous.

For example, Madam Secretary, last year, a Federal judge ruled that the Department mismanaged the red snapper fishery industry in the Gulf of Mexico. The result was a nine-day red snapper season. Nine days, down from 40 days the year before. Well, it's needless to say, the shortened season was very disconcerting to me and to thousands of fishermen in the Gulf, especially around Alabama, Mississippi, and Florida.

New technology may facilitate better decisionmaking to allow more days at sea for our fishermen. While I'm pleased to see the Department taking steps to use new technology, I'm concerned that the program is not moving fast enough.

My questions are these. How is the Department prioritizing the use of new technology, such as electronic monitoring and reporting, to better understand and manage our Nation's fisheries? And the second question is, what is the biggest obstacle facing your department, the Department of Commerce, on the timely transition to electronic monitoring and reporting for fisheries.

Secretary PRITZKER. Thank you for your question. First of all, the fact that the red snapper stock is rebuilding is one that we're very pleased with, and getting the allocations right in terms of who has access to fishing and for how long is something that's extremely important to us. I'm not familiar with the specific case you talked about, but I will look into that. Making sure that we get that right is a high priority.

As it relates to electronic monitoring of fisheries, we have asked for $7 million to continue to find new ways to accurately monitor fisheries. In terms of your question as to what are our obstacles, one is more work needs to be done to know whether this is accurate. You just talked about being accurate. What's most important is that we figure out that these technologies are actually accurate.

And we've run some pilots. We've asked for money in the $7 million to support pilots in different parts of the country to make sure that this is something that's accurate, because there are real consequences, the finding, as you said, of electronic monitoring. And we want to make sure that we can both maintain our healthy fisheries for generations to come but also have our commercial and recreational fishing industries can be healthy and reliable.

Senator SHELBY. Well, I know myself that a lot of people on the Gulf are pretty good at all this, have shown me how large the snapper have gotten.

Secretary PRITZKER. Huge.

Senator SHELBY. Because they've gotten so big, and there's so much of them, we want an accurate count, because this is very important to a lot of us on the Gulf.

Secretary PRITZKER. I appreciate that, and I understand the challenge.

NOAA RESEARCH VESSELS

Senator SHELBY. My last question to you, I hope it'll be my last, has to do with the new ocean research vessel. The 2016 budget request for the National Oceanic and Atmospheric Administration includes $147 million for a new ocean going research vessel to sup-

port the agency's operations. The agency needs a new ship, because the fleet is aging, as you pointed out.

Out of 16 large vessels, and I believe you mentioned this, only 6 are operating within their design life. Three of the 16 ships are well past their prime, including the oldest ship in the fleet, the Oregon II, which operates out of the Gulf Coast. Aging ships not only create operational shortfalls with low sea days, they also pose safety concerns for the crew and scientists working aboard.

I'm not sure how many people realize this problem at the Department. The 2016 request for this new ship seems like a one-time ask and lacks context about the overall need for the whole major ongoing ship construction, the whole program.

My question is this. This subcommittee has asked for, but has not received yet, a new fleet recapitalization plan, which was last updated in 2008. When will the administration provide this plan to the Appropriations Committee?

Secretary PRITZKER. Senator, I commit to you that we will put that plan together. I think it's being progress.

Senator SHELBY. And it's important to hear, because——

Secretary PRITZKER. But absolutely, the idea of—we have 8 of our 16 ships that absolutely need to be replaced over the next 12 or 13 years, and so there is a plan in terms of the scope of what we need to do. More specifics, I will get to you and your staff.

[The information follows:]

Question. NOAA Fleet Capitalization Plan.—My question is this. This subcommittee has asked for, but has not received yet, a new fleet recapitalization plan, which was last updated in 2008. When will the administration provide this plan to the Appropriations Committee?

Answer. NOAA's Fleet Composition Report (2012–2027) is currently under Administration review; however, I do not have a specific time line in which it will be available. This report, outlining recommendations for recapitalization, was coordinated with the overall Federal fleet. NOAA convened the NOAA Fleet Advisory Committee, a group of external experts from other Federal agencies involved with the management of at-sea assets, which was charged with providing advice and guidance to help the NOAA team shape strategies for the future of the fleet. Specifically, the committee reviewed and provided input on each stage of the effort including the overall approach, requirements validation process, technology infusion analysis, business process improvements, and internal and external communication plans. Committee membership included representation from the U.S. Navy, U.S. Coast Guard, National Science Foundation, Bureau of Ocean Energy Management, Environmental Protection Agency, and University-National Oceanographic Laboratory Systems.

NOAA is requesting $147 million in the fiscal year 2016 budget for the construction of a new Ocean Survey Vessel (OSV). This request is based on a robust Requirements Validation Assessment and analysis process that built upon the 2008 recapitalization plan.

Per the Federal Oceanographic Fleet Status Report, released May 2013 by the National Ocean Council, the Federal oceanographic fleet will experience a 50 percent decline in the number of active vessels by 2026 without further modernization. Without an investment, NOAA estimates that its fleet will decline by 50 percent from 16 to 8 active ships between fiscal year 2016 and fiscal year 2028.

Senator SHELBY. Okay. Will the contract for the ship construction be awarded through open competition?

Secretary PRITZKER. It would be awarded, yeah, I believe so. Yes. Yeah, absolutely.

Senator SHELBY. Thank you.

Secretary PRITZKER. I don't know any reason why it isn't.

Senator SHELBY. Thank you a lot. Senator Coons.

Senator COONS. Thank you.

Senator MIKULSKI. Excuse me, Senator Coons.

Senator COONS. Yes, ma'am.

Senator MIKULSKI. Madam Secretary, I'm needed at the Capitol, because of the Homeland Security.

Secretary PRITZKER. Yes.

Senator MIKULSKI. We're going to follow up. Thank you for the great job you're doing. And aren't we proud of these new members and how engaged they are?

Secretary PRITZKER. Absolutely.

Senator SHELBY. Thank you.

Secretary PRITZKER. Thank you.

Senator SHELBY. Thank you, Senator Mikulski. Senator Coons.

MANUFACTURING

Senator COONS. Thank you, Chairman Shelby and Vice Chair Mikulski. As you well know, Madam Secretary, I'm an enthusiast for manufacturing.

Secretary PRITZKER. Yes.

Senator COONS. And look forward to continuing to work with you on promoting manufacturing nationally. Last October, I participated in Manufacturing Day, touring a variety of manufacturing plants up and down my State, and was joined by NIST director, Dr. May, and associate director, Dr. Singerman, and we had a great time visiting Air Liquide, and PPG, and Hirsh Industries. And I'm just grateful that you and your department and its leadership have been so engaged in all the challenges and issues facing manufacturing.

One of the things we saw that day was the real challenge in the reputation that manufacturing has with young people, getting guidance counselors and parents to recognize that modern manufacturing is cleaner, more advance, higher paying, uses a wider range of skills than the manufacturing of 20 or 30 years ago.

So first, I'd love your input on what we're doing together and what more we could do to help persuade young people that manufacturing jobs are fundamentally different and ensuring that they are engaged and attracted to it as an option, and that we're investing enough in their skills.

And related to it, is the MEP, the Manufacturing Extension Partnership, I'm pleased your budget request is at $141 million. I think it's a tremendous and effective program. It's had a big impact up and down my State, and they typically generate three dollars for every one Federal dollar. There have been some challenges in my State in terms of raising the match, and I would be interested in your thoughts about whether or not the MEP match ratio is too high.

It has prevented them from working with some smaller businesses, some more rural companies that had difficulty raising the match. MEP charges fees in order to get the match. And in my view, that cost share may actually be defeating the broader purpose, which is to deliver timely and efficient and effective interventions that promote exporting, promote hiring, promote growth for the small and medium manufacturer.

So if you'd answer those two questions on manufacturing, we'll move onto one other topic.

Secretary PRITZKER. Certainly, Senator. In terms of the image of manufacturing and what are we doing about both the image and skills acquisition, as you know, I've made skills a priority for the Department of Commerce. In terms of the image of manufacturing, Manufacturing Day is only one day. We had 50,000 young people go through. I think we doubled the number of companies. Over 1,500 companies opened their doors in their communities and had kids and their families. And most importantly their guidance counselors visiting modern manufacturing plants so they could understand what is a career today in the 21st century and manufacturing in the United States of America.

I do think it's misunderstood. It's something both the Advanced Manufacturing Partnership that the President oversees and I'm a part of, as well as the Manufacturing Council that reports to me at the Department, are focused on a number of initiatives to improve the image of manufacturing.

In terms of the MEP match, we are in the middle of recompeting our MEP relationships around the country. We just did ten of them. We changed the match from two to one to one to one for exactly the reason you're talking about. The small and medium size companies were struggling to be able to take advantage of the much needed services that MEP offers to help them garner 21st century processes and capabilities that keep their companies globally competitive.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Senator COONS. Let me ask about a very different field for a moment, if I might, which is ICANN. When I was in the private sector, I did some work around web domains and website acquisition and control. We had a trademark, the company I was in, that had been inappropriately taken over as a web domain by a company with no relationship to it. And I got involved in this, this was a long time ago, and was struck how, at that point, NTIA was playing a critical role in oversight of ICANN, excuse me, the Internet Corporation for Assigned Names and Numbers, which I think is widely known to the small community of people who pay a lot of attention to this.

And I'm frankly very concerned that there is a proposal to transition ICANN completely away from Commerce Department oversight and management. And I just want to make sure that ICANN is really prepared to make that transition and will have adopted some core key principles about protection from government capture, budgetary restraint, and a separation of functions. And this is something I wrote to you about back in December and cosponsored a resolution that passed the Senate, calling for these reforms before there is any transition. I just wanted to make sure that I had your sense of whether you thought these reforms were important to complete before there's any movement towards it.

Secretary PRITZKER. Well, Senator, I share your concern. I think the transition, the IANA transition, is one that's important, because there are downsides for our engagement there. Having said that, making sure that ICANN can responsibly continue to carry out that function, making sure that it is multi-stakeholder managed and driven, making sure it meets the needs of customers and

in a timely and efficient manner, and that we remain a free and open Internet, all of those are priorities.

We are awaiting proposals. We're not in any rush. We're working very carefully with ICANN, but we're waiting for proposals as to how they can make sure they would satisfy all those performance requirements, and also proposals for how they will improve the accountability of ICANN, so that there cannot be what I call a hostile takeover of the board of ICANN.

HERBERT C. HOOVER BUILDING RENOVATION

Senator COONS. Good. Please. I'm very concerned about that, and I'm glad you're moving deliberately. As we're talking about performance, just on a side point, part of your budget request is $24 million for renovating the somewhat dated Commerce central office and headquarters buildings. And I just wondered whether you had looked at an Energy Services Performance Contract, or an ESPC, as a mechanism for achieving savings in a way that is, I think, creatively and appropriately financed.

I used ESPCs both in county government and in the private sector, and I'm joining with Senator Gardner in trying to make sure that the Federal Government is able to take advantage of this as an opportunity. I see several heads nodding behind you vigorously.

Secretary PRITZKER. Yes. Yes, we have.

Senator COONS. So I'm glad to know that you've taken a hard look at that.

Secretary PRITZKER. Senator, one of the things that we're doing, I think the theme of our budget is about invest to save. When I arrived, as you know, one of my business endeavors prior to this was being in the real estate business. We do not efficiently use our building as it is. One of the things that we are doing is—and we brought in Gensler to help us to look at how we use our space, because the modeling plan that was in place was one that was really just fix the heating and cooling and electrical and put it back the way it was. That makes no sense in the 21st century.

So we actually took part of the space that was, at that time, under renovation, and have created a pilot that we're now going to replicate throughout the building that's much more of what I would call open space contemporary office usage. It's far more efficient.

And the other thing that we're trying to do is do the renovation in fewer chunks, because this was going to go out over decades, and get it done more quickly. It will allow us to give more of our space back and to have it be used for other purposes and to use the space more efficiently, but also provide an environment that's effective and efficiently, and allows us, frankly, to attract talent, which is an issue that we've got in an 80-year old building. People walk in, they don't want to work there. And so that's a challenge that we've got.

So what we're trying to do is, this is not just about fancying up our space. This is about making it more productive for the American taxpayer.

Senator COONS. Thank you. I have two other questions I'll just reference briefly, and perhaps my office will submit them record. I'm trying to be respectful of the Chairman's time.

First, as the lowest mean elevation State, Delaware has great concerns as to why about a resiliency and planning. We've just had evidence that the sea level rise of the last few years was unexpectedly significant in the Mid-Atlantic and Northeastern states. We face both subsidence, which is the natural geologic movement down of the part of the coast that we're on, and a rise of sea level. I'm just wondering what NOAA's budget might provide for coastal resiliency.

Last, hubs. The National Network for Manufacturing Innovation, as you know, I was bitterly disappointed Delaware was not selected for the last competition but remained very enthusiastic about it programmatically. I think it is a tremendous investment for the American people, a wonderful model for promoting and accelerating innovation, and would welcome any brief comments you care to make about how that will move forward and how that will continue to accelerate innovation and manufacturing.

Secretary PRITZKER. Well, as for resiliency, our budget calls for expenditures at NOAA to provide resiliency products to states and local governments as well as to the private sector. There's enormous demand for products to understand what is happening with the rise of sea level, with drought, with different changes as a result of what's going on both with our weather as well as with our climate.

In terms of NNMI, we have proposed in our budget that we will both create the network of the existing and to be planned manufacturing institutes which is called for in the Revitalize American Manufacturing and Innovation Act (RAMI) legislation that was passed at the end of last year. That's a $10 million budget item.

And then we've asked for $70 million each for two different institutes that their unique characteristic would be from the other institutes—obviously, these remain institutes that bring together the private sector as well as all the various stakeholders, including universities and the community colleges and the supply chain. But these would be technologies chosen or proffered by the private sector as opposed to by government as the most technologies, would be the ones that we would want to focus on.

Senator COONS. Terrific. Madam Secretary, thank you for your service and leadership. Mr. Chairman, thank you for your forbearance with my questions.

ADDITIONAL COMMITTEE QUESTIONS

Senator SHELBY. Thank you, Senator. If there are no further questions, and I don't believe there are this morning, Senators may submit additional questions for the subcommittee's official hearing record, and we'd request a Department of Commerce response to those questions, if there are.

Secretary PRITZKER. Absolutely.

Senator SHELBY. Madam Secretary, thank you for appearing today before the subcommittee.

Secretary PRITZKER. Thank you.

Senator SHELBY. We look forward to working with you. And we've requested a lot of information, that I'm sure you will make sure it's forthcoming.

Secretary PRITZKER. Absolutely.

Senator SHELBY. Thank you.

Secretary PRITZKER. Mr. Chairman, thank you very much.

[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. PENNY PRITZKER

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

CYBERSECURITY

Question. The Commerce, Justice, and Science (CJS) Subcommittee strongly supports and continues to prioritize cybersecurity initiatives at the Department of Commerce. However, despite the subcommittee providing funds for critical cybersecurity upgrades, the Inspector General has found persistent deficiencies that make the Department vulnerable to cyber-attacks.

How would the Department's fiscal year 2016 budget request specifically address cybersecurity concerns outlined by the Department of Commerce Inspector General's written testimony to this subcommittee?

Answer. The Department's fiscal year 2016 request supports concerns expressed by the Commerce Inspector General by:

—Replacing outdated equipment and software tools with new software tools and more capable sensors on the Department's networks. These will be connected to the Commerce Computer Incident Response Team (DOC–CIRT) and computer security monitoring teams, resulting in enhanced detection and mitigation of cyber threats and vulnerabilities.

—Adding watch officers and cyber forensic experts to our DOC–CIRT.

—Adding skilled cyber contractor support for conducting the supply chain risk analyses mandated by Section 515 of Public Law 113–235.

—Establishing the Department-wide trust identity management solution, which will increase the overall security posture of the Department's data and systems.

Question. How would the fiscal year 2016 request help expedite and sustain Department-wide cybersecurity initiatives, such as the Enterprise Cybersecurity Monitoring and Operations (ECMO) and the Enterprise Security Oversight Center (ESOC) initiatives?

Answer. The fiscal year 2016 request would accelerate the capability to provide relevant computer data feeds from Commerce Headquarters to the Enterprise Security Oversight Center (ESOC). The request additionally supports the ability to provide real-time access to the Enterprise Cybersecurity Monitoring and Operations (ECMO) data which provides the current cyber risk profile and status of Commerce information technology assets, both hardware and software.

Commerce will continue to leverage the Department of Homeland Security's Continuous Diagnostics and Monitoring (CDM) program to deploy and integrate additional capabilities.

Question. What cybersecurity deliverables can the Department highlight from fiscal year 2014 and fiscal year 2015, that best justify the top cybersecurity-related items included in the Department's fiscal year 2016 request?

Answer. In fiscal year 2014, Commerce reached deployment of 85,564 ECMO client systems and initiated the ESOC project. As of March 2015, ECMO client systems deployment has reached 92,202. The ESOC project is a joint venture established between the Commerce Office of the Chief Information Officer (OCIO) and the National Oceanic and Atmospheric Administration (NOAA). The ESOC began functional operations September 2014 and led the Department's response to the Shellshock vulnerability.

In Q4 fiscal year 2014, Commerce conducted the first set of supply chain risk assessments for acquisitions targeted for installation on Commerce owned and operated National Security Systems and Federal Information Security Information Management Act (FISMA) High-impact systems.

In Q1 fiscal year 2015, the ESOC achieved initial operating capability by establishing basic security operations tools and network connectivity from our NOAA-partner site. This capability includes the ability to automatically share indicators of compromise across the Department and ability to ingest cyber security intelligence feeds into the ESOC security event information management system. The ESOC will be fully staffed in early Q3 and will begin 24x7 operations by the end of Q3 fiscal year 2015, significantly increasing the ability of the Department to rapidly detect and identify cyber security threats and incidents.

Effective January 1, 2015, the Department implemented policy requiring all operating units to centrally report all cybersecurity incidents via the Commerce Computer Incident Response Team. Previously, several bureaus independently reported computer incidents to US–CERT. This previous policy left the Office of the Secretary unaware of some incidents.

In February 2015, the Department reached 100 percent compliance in its implementation of Domain Name System Security Extensions (DNSSEC).

NOAA VESSEL

Question. The Department proposed $147 million for construction of a new NOAA vessel in its fiscal year 2016 budget request. While I am concerned with the future of NOAA's fleetpotentially losing half between now and 2028, this subcommittee finds it difficult to justify supporting such a large capital expense without a plan from the administration to address the broader issue. In order to provide adequate and fiscally responsible funding for NOAA to update its fleet, this subcommittee needs the Department to provide context and a proposed path forward to ensure critical mission work, such as ocean floor mapping and fisheries management, is not put at risk.

When will the administration be in a position to provide this subcommittee and Congress with NOAA's future fleet recapitalization requirements, including vessels that are planned to be taken out of service and vessels or technology planned for their replacement, similar to the information that was provided in the 2008 *NOAA Ship Recapitalization Plan?*

Answer. The request in the fiscal year 2016 President's budget of $147 million for the construction of a new Ocean Survey Vessel (OSV) is based on a robust requirement validation and analysis process and supports several NOAA missions.

NOAA also continues to work closely with the NOAA Fleet Advisory Committee, a group of external experts from other Federal agencies involved with the management of at-sea assets. Committee membership includes representation from the U.S. Navy, U.S. Coast Guard, National Science Foundation, Bureau of Ocean Energy Management, Environmental Protection Agency, and University-National Oceanographic Laboratory Systems.

Per the Federal Oceanographic Fleet Status Report, released May 2013 by the National Ocean Council, the Federal oceanographic fleet will experience a 50 percent decline in the number of active vessels by 2026 without further modernization. Without an investment, NOAA estimates that its fleet will decline by 50 percent from 16 to 8 active ships between fiscal year 2016 and fiscal year 2028.

NOAA is currently analyzing its current and future fleet capabilities to ensure that its mission critical priorities are addressed in the most cost-effective and efficient manner, and we will use this information to guide future fleet investments. This challenging but important exercise will help us develop the best path forward in support of core work such as ocean floor mapping and fishery management, and we will share some of the results of that exercise when they become available.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

ARCTIC POLICY

Question. Last year, I began almost all budget hearing with a question on the Arctic, and I will be doing so again this year. In April, the U.S. assumes the chairmanship of the Arctic Council, and beyond the issue of climate change, it is not clear to me what our national strategy in the Arctic is. Searching through your budget documents, the term "Arctic" only appears a handful of times, and is mostly in reference to oil spill response and studying the effects of "human-induced change on Arctic ecosystems." The Commerce Department's jurisdiction is so much broader than this, so I hope this is not all your department is doing in terms of Arctic policy.

Please tell me what are the specific Arctic priorities of the Department of Commerce?

Answer. The Administration's 2013 National Strategy for the Arctic Region (hereafter, Strategy) (https://www.whitehouse.gov/blog/2013/05/10/national-strategy-arctic-region-announced) and the priorities developed for U.S. Arctic Chairmanship of the Arctic Council are the latest statements of U.S. policy in the Arctic, and all actions by Department of Commerce agencies fit within the goals and tenets set forth in these documents. Within Commerce, NOAA is the primary agency that executes the priorities set forth in the strategy. To support the strategy and provide NOAA scientists, stakeholders, and partners a roadmap to make shared progress, NOAA

developed the 2014 Arctic Action Plan (http://www.arctic.noaa.gov/NOAAarctic actionplan2014.pdf).

In support of the Strategy and the NOAA Action Plan, NOAA is working on:

—filling gaps in Arctic weather/sea ice observations, forecasts and warnings;

—improving understanding of climate impacts on biological resources; and

—improving navigation services.

Question. In your role as Secretary of Commerce, what are your directives to the agency in terms of Arctic policy?

Answer. The Department of Commerce supports the National Strategy and our work in the Arctic region fits within that strategy to better position the United States to respond effectively to emerging opportunities while simultaneously pursuing efforts to protect and conserve this vast, valuable, and vulnerable region. Our work in the Arctic Region establishes the foundation for U.S. Arctic development in support of

—advancing our security interests;

—pursuing responsible Arctic region stewardship, and

—strengthening international cooperation.

Question. What, if any, focus does the agency have on better understanding the Arctic and growing our Arctic infrastructure?

Answer. The Department, mainly through NOAA, is actively engaged in the Arctic, providing science, service, and stewardship to this rapidly changing region, its inhabitants, and the Nation. Through its broad range of activities, NOAA is well prepared to make significant contributions, to the extent possible within existing resources, to all three lines of effort in the national strategy.

Advancing U.S. security interests in the Arctic requires improved maritime domain awareness for which NOAA's weather and sea ice forecasts are critically important. NOAA's sea ice research strengthens forecasts of both ice and weather conditions and improves understanding of the links between sea ice and climate. As a result of this research, the complicated linkages among melting sea ice, changing climate, and weather patterns in the Arctic and around the globe are becoming more apparent, allowing for better planning to cope with and capitalize on Arctic change.

NOAA plays a key role in *pursuing responsible Arctic region stewardship.* Foundational science enables better understanding of Arctic ecosystems, the atmosphere, climate, and their dynamic interconnections. NOAA's fisheries research and management programs are likewise vital, particularly for the economically important U.S. Bering Sea fisheries. Research and stewardship of marine ecosystems and protected species like marine mammals promote sustainable use, conservation, and protection from potential impacts of offshore development, increased shipping, and environmental degradation. NOAA provides important services to coastal communities by improving safe Arctic maritime access with mapping and charting, as well as increasing preparedness and communities' resilience to intensifying weather. NOAA is also an important partner in hazard response and mitigation (e.g., providing scientific support to the U.S. Coast Guard after oil spills). Research relevant to oil spills, sea ice, and marine ecosystems will help to prepare for and protect against potential environmental disasters in the Arctic.

All of NOAA's Arctic activities are united in one aspect: *leveraging national and international partnerships and collaborating to support common Arctic goals.* NOAA works collaboratively through the Arctic Council on joint research opportunities, and provision of services. NOAA also has many successful Arctic national partnerships, within and outside the Federal Government. Existing partnerships will be strengthened and new ones developed in the coming years as NOAA continues its work to address the Nation's challenges in the Arctic.

Specifically in terms of infrastructure, NOAA is engaged in the following:

—assessing Arctic maritime infrastructure gaps in conjunction with the U.S. Committee on the Marine Transportation System;

—the National Telecommunications and Information Administration's Arctic telecomm assessment; and

—oil spill preparedness and response infrastructure enhancement efforts with the U.S. Coast Guard, the Bureau of Ocean Energy Management, the State of Alaska, and international partners.

NATIONAL STRATEGY FOR THE ARCTIC REGION

Question. Within the Administration's Implementation Plan for its National Strategy for the Arctic Region, the Department of Commerce is identified as the lead agency for four programs: Develop Communication Infrastructure in the Arctic (National Telecommunications and Information Administration); Conserve Arctic ecosystems (NOAA); Implement the Pilot Distributed Biological Observatory in the Pa-

cific Arctic (NOAA); and Chart the Arctic Region (NOAA). The Department is also designated as a support agency for a number of other projects.

What funding is included in your fiscal year 2016 budget request for the programs for which Commerce has the lead, as well as any other Arctic-related programs within your purview?

Answer. NOAA is the lead agency for three objectives in the NSAR Implementation Plan: Conserving Arctic Ecosystems, Implement the Pilot Distributed Biological Observatory in the Pacific Arctic, and Chart the Arctic Region. NOAA is a supporting organization for nearly two dozen objectives in the NSAR.

Work on the associated activities with agency partners is progressing within existing resources. In 2016, NOAA estimates $110 million, including reimbursable funding, to continue to provide and develop products and services in support of its Arctic strategic goals (this includes funding transferred to NOAA for research needed by external partners). The largest share of NOAA Arctic funding is directed to supporting Arctic region stewardship, with substantial investments also being made to advance U.S. security interests and partnerships.

The fiscal year 2016 request proposes increases for

—arctic spill preparedness ($1.3 million);

—implementing a distributed biological observatory to detect climate and human-induced change on Arctic ecosystems ($0.9 million); and

—supporting northward development of NOAA's Arctic Observing Network ($2.2 million).

RINGED SEALS

Question. First, I would like to thank you for the work you have done and the efforts NOAA has made to work with Alaskans and fisherman on Stellar Sea Lion restrictions. This is an example of the agency and Alaskans working together and I hope we can continue this in the future. By the same token, I would like to bring to your attention to what is happening right now with the Ringed Seal. It is outrageous for NOAA to propose critical habitat for the Ringed Seal that stretches 350,000 square miles, based on a 100 year weather prediction despite no sign of population decline and the Ringed Seal occupying its entire historical range. This proposed critical habitat will have very real impacts on the economic livelihood and survival of an entire region of Alaska, stretching from the border of Canada to the EEZ. The effects will span not only great distances, but through our State's fibers, from local recreation to subsistence lifestyles.

Secretary Pritzker, how can you justify such action despite the overwhelming lack of evidence supporting it and how much is the Agency proposing to spend on this proposal, including implementation of any current or future proposed rulemaking?

Answer. NOAA listed the Arctic subspecies of ringed seals as a threatened species under the Endangered Species Act (ESA), effective in February 2013. The primary threat to this species is the loss of suitable sea ice habitat, including ice with sufficient snow depth for the formation of lairs the seals use to give birth and nurse their pups. The best available scientific information indicates that the effects of habitat loss caused by climate change are likely to develop over the next 50 to 100 years.

The ESA requires that NOAA designate critical habitat for listed species. NOAA's proposed rule to designate critical habitat identifies three physical and biological features that are essential to the conservation of Arctic ringed seals: sea ice suitable for the formation and maintenance of the lairs (snow caves) used for sheltering pups during whelping and nursing, sea ice suitable as a platform for basking and molting, and primary prey resources to support Arctic ringed seals (Arctic cod, saffron cod, shrimps, and amphipods).

Arctic ringed seals have a wide geographic range and a broad patchy distribution. The sea ice they depend upon is spatially and temporally dynamic, changing throughout the months when sea ice is present. The area proposed for designation as critical habitat is large because NOAA did not have sufficient information to identify a smaller area, such as data on the distribution and relative abundance of ringed seals that might indicate habitat areas that contribute the most toward reproduction and pup survival. In the proposed rule NOAA solicited public comments on the areas to be identified as critical habitat and areas that should be considered for potential exclusion. NOAA is also having the proposal peer-reviewed by external scientists before we proceed with a final rule.

The process of designating critical habitat for Arctic ringed seals will likely cost NOAA about $850,000 over the course of fiscal year 2013–fiscal year 2016, including costs for staff time, required economic analysis, legal review, and public hearings.

Section 10(e) of the ESA specifically provides for the taking of threatened or endangered species by Alaska Natives for subsistence purposes, providing such taking is not accomplished in a wasteful manner. Based on the numbers of subsistence harvested animals reported via the Ice Seal Committee (an Alaska Native co-management organization under the Marine Mammal Protection Act), the level of subsistence harvesting for Arctic ringed seals is not a concern for the population. Therefore, NOAA has not proposed and is not contemplating any restrictions on continued subsistence harvests by Alaska Natives.

Question. Further, the agency has previously claimed that there would be no local subsistence impacts, where does this information come from and how can it be proven?

Answer. See response above.

HYDROGRAPHIC CHARTING & OCEAN SURVEY VESSEL

Question. Modern, accurate geospatial information is critical to producing high quality navigation charts, which are to navigation, public safety, infrastructure planning, and resource management. This is particularly important in Northwest Alaska and the Arctic, where increased maritime traffic in the Bering Straits region and in the Arctic underscore the need for current hydrographic information. In some areas, the "state-of-the-art" mapping information still relies on lead-line survey work conducted by Russian whalers in the 1800s while there are still huge gaps in modern charts in the waters off Northwest Alaska and the Bering Straits Region in U.S. Arctic waters. This creates unnecessary risks for mariners and local communities. With the increasing maritime traffic in the Bering Straits region and in the Arctic there is even more need for modern charts. There is an urgent need for updated charts, yet NOAA has indicated that it has an 85 year backlog for hydrographic surveys in Alaska.

Secretary Pritzker, your agency plays a critical role in supporting hydrographic charting, including in the Arctic and Bering Straits Region. Last year we discussed hydrographic charting and what it means to my State and economic development in the Arctic. You'll recall that I asked you about your commitment to dedicating the necessary resources to conduct hydrographic surveys and prepare navigational charts adequate to address the increasing maritime traffic in these regions. In your answer, you stated that NOAA has developed a 5-year hydrographic survey plan to identify about 40,000 square nautical miles of critical area and address the most critical survey needs in Alaska. You also stated that NOAA planned to resume full Arctic operations in 2015 under the President's budget request. What steps have been taken toward this 5-year plan, what Arctic operations have resumed, and what does full operations mean?

Answer. NOAA continues to implement its 5-year hydrographic survey plan, which prioritizes and addresses the most critical survey needs in Alaska (and elsewhere). With the requested base resources in fiscal year 2016, NOAA plans to survey at least 500 square nautical miles in the Arctic, a continuation of the fiscal year 2015 resumption of full annual hydrographic survey operations. As a result of mechanical issues with the NOAA Ship *Fairweather* and budget uncertainties associated with the Government shutdown in October 2014, NOAA was forced to cancel many Arctic surveys planned for 2014. In fiscal year 2015 and beyond, NOAA plans to employ one surveying contractor and the NOAA survey vessels *Rainier* and *Fairweather.* In addition, the U.S. Coast Guard Cutter *Healy* will acquire depth measurements while transiting to evaluate requirements for future charting updates.

Question. This year, you are requesting $147 million for construction of an ocean survey vessel. If this vessel is constructed, will it be built with the capabilities to operate in the Bering Sea and Arctic Ocean, helping to reduce the backlog of needed hydrographic surveys? If not, what are the Department's other plans for producing modern nautical charts in the Arctic?

Answer. The requested Ocean Survey Vessel (OSV) will be tasked with operating in numerous challenging environments, many of which will be near U.S. borders and in the U.S. Exclusive Economic Zone (EEZ). The coastal areas are divided into four main regions, including: the Northeast, Southeast, Western, and Alaska. Additionally, the OSV will perform research in other regions within the design limitations of the vessel such as portions of the Arctic, Antarctic, and Pacific Islands, as well as within Marine Sanctuaries and Marine Protected Areas. The OSV is designed with the ability to map the ocean floor for updating nautical charts. In future years, NOAA will continue to acquire hydrographic survey data in the Arctic using a combination of NOAA's hydrographic survey ships and contractors.

ELECTRONIC MONITORING

Question. At the Headquarters level, year after year it seems as if NOAA supports efforts to deliver cost-effective and sustainable electronic data collection solutions. The goal here is to validate the functionality of cameras, facilitate the collection of data, and improve the logistics of deploying electronic monitoring equipment on small fishing boats in Alaska. When I met with you last year you expressed an understanding of the importance of this issue in Alaska, and the potential for it to benefit fisheries around the Nation. However, efforts to make progress on the water in Alaska are hampered at the Regional level and I am concerned that the staff in the Alaska region are not working effectively. Further, despite continued promises by Headquarters staff, small boat fisherman are having serious problems receiving hardship waivers for lack of bunk space due to the observer program.

Secretary Pritzker, can you commit to working with me to not only ensure that NOAA is dedicating the resources necessary to make progress toward the deployment of viable electronic monitoring technologies on vessels, like we agreed to do last year, but also to bridging the gaps between Headquarters and the Regional Offices on goals, plans, and actions?

Answer. The fiscal year 2016 President's budget requests approximately $7 million to support further development of cost-effective, appropriate technologies for monitoring Federal fisheries. Of this amount, $5.6 million is requested within the Fisheries and Ecosystem Science Programs and Services for development, testing, and installation of electronic monitoring and reporting technologies across the country. The remaining $1.5 million is requested under the Fisheries Management and Programs and Services to expedite the use of appropriate electronic technologies.

This past year, NOAA Fisheries developed a national policy on the implementation of electronic monitoring and reporting, with the intent to stimulate regional implementation of these systems. To this end, the Alaska Regional Office and Science Center have developed an *Alaska Region Electronic Technologies Implementation Plan* for initiatives that are currently being undertaken in Alaska. This plan has been endorsed by the North Pacific Fishery Management Council (Council) and shows how committed NOAA is to advancing electronic monitoring technology in Alaska fisheries. Indeed, NOAA is working with the National Fish and Wildlife Foundation to provide $4 million in fiscal year 2015 for national implementation of electronic monitoring and reporting. A significant portion of these funds are expected to go to Alaskan fisheries.

As we move into implementation in Alaskan fisheries, we look to the Council's Electronic Monitoring workgroup for advice. This workgroup includes industry representatives as well as staff from the Council, the Pacific States Marine Fisheries Commission, and both NOAA Fisheries' Alaska Regional office and Alaska Fisheries Science Center. The workgroup was established so that industry, agency, and electronic monitoring service providers have a forum to cooperatively and collaboratively design, test, and develop electronic monitoring approaches that are consistent with Council goals and objectives to integrate electronic monitoring into the observer program.

The Council's Electronic Monitoring workgroup has developed an *Electronic Monitoring Cooperative Research and Implementation Program* that describes analytical and fieldwork projects targeted for 2015 to address:

—Deployment and operation testing of electronic monitoring systems on 12 vessels. Vessels participating in the electronic monitoring cooperative research are relieved of the requirement to carry an observer.
—Research and development of electronic monitoring technologies.
—Infrastructure to support electronic monitoring implementation.
—Analyses to support electronic monitoring implementation decision points.

This cooperative research in 2015 will collect information that will inform 2016 pre-implementation decisions by the Council and the Regional Office, assess the efficacy of electronic monitoring for catch accounting of retained and discarded catch, identify key decision points related to operationalizing and integrating electronic monitoring systems, and develop performance standards and operational requirements in regulations. Part of the discussion of 2016 pre-implementation in the small boat longline fleet will focus on vessels that have trouble carrying an observer.

Finally, NOAA is working with the Council to integrate electronic monitoring tools into the Observer Program for the fixed gear small-boat groundfish and halibut fisheries (2015 Annual Deployment Plan for Observers). The intent is to develop electronic monitoring to collect data to be used in catch estimation for this fleet.

MARINE MAMMAL DETERRENCE GUIDELINES

Question. Alaskans are fishermen and fishermen must use some means of deterrence for marine mammals. On my most recent trip to Juneau, I met with the United Fishermen of Alaska who brought up concerns regarding NOAA publishing a Notice in the Federal Register of its Intent to Issue Guidelines with respect to marine mammal deterrence devices and techniques that are used by commercial fisherman. The details of what is happening have been hard to find and there has been very little information disseminated about reasoning or plans. This is concerning for Alaskan fisherman and I echo their concerns.

On December 16th, this notice was published and the comment period just ended on January 15, 2015. What is the current state of these guidelines? Where do you see this process leading?

Answer. The Marine Mammal Protection Act (MMPA) section 101(a)(4) provides an exception to the prohibition of take for fishermen to deter marine mammals for the purpose of protecting fishing gear and catch, provided the deterrent does not result in serious injury or mortality. NOAA received over 50 comments in response to our notice requesting information from the public on which non-lethal deterrents to evaluate and consider for approval pursuant to the Marine Mammal Protection Act. Several comments provided specific information on both acoustic and non-acoustic devices and techniques to safely deter seals, sea lions, whales, and dolphins. NOAA subsequently convened a technical expert workshop to review the devices/techniques submitted by the public. Nearly all scientific information currently available focuses on the effectiveness of the deterrent and not on a deterrent's impact to the marine mammal; however, the Marine Mammal Protection Act requires that any deterrents used not result in serious injury or mortality of marine mammals. Therefore, the experts (e.g., veterinarians, acousticians, marine mammal biologists) at the workshop evaluated the potential likelihood and severity of impacts to animals that could potentially result from a deterrent. NOAA will take the input from the workshop and develop guidelines for safely deterring marine mammals as well as specific measures for marine mammals under NOAA's jurisdiction, including those listed under the Endangered Species Act. These guidelines and specific measures will go out for public comment. NOAA anticipates publishing a proposed rule in early 2016.

FISHERIES FINANCE PROGRAM

Question. The President's fiscal year 2016 budget request includes proposed language to authorize $100 million for fiscal year 2016 in direct loan authority for NOAA's Fisheries Finance Program (FFP) Account as authorized by the Merchant Marine Act. FFP loans have a negative subsidy rate and no appropriated funds are required. I have supporting the proposed language which I believe will increase opportunities for vessel owners to build and refinance new vessels and make major modifications to existing vessels to improve fishing vessel safety. These loans will help the fleet modernize and provide significant economic benefits to shipyards and support industries.

Last year, you explained that the Advance Notice of Proposed Rulemaking was currently being developed to seek industry input and that the rulemaking process would be completed by the end of the year. Could you please update me on the ANPR and the status of FFP Loans?

Answer. NMFS published its Advance Notice of Proposed Rulemaking (ANPR) on June 13, 2014, and received 10 comments from the public as well as an inquiry from the Government of New Zealand. NMFS is reviewing the comments consistent with the rulemaking process. NOAA Fisheries is still reviewing and considering its response to those comments. Although, the Spring 2015 Semiannual Agenda of Regulations identifies that the proposed rule will be issued in July 2015, the date will have to change pending completion of review of public comments on the ANPR.

OCEAN ACIDIFICATION

Question. Integrated Ocean Acidification has seen increased funding from fiscal year 2014 to fiscal year 2016 to the tune of $24 million, leaving the fiscal year 2016 budget request at $30 million. This is much needed funding to address a very real issue facing our oceans, however, it is unclear how and where this money is distributed.

My question to you, is how much of this increase will go towards Alaska and the Arctic?

Answer. To date, NOAA research and monitoring within Alaskan and Arctic waters has fared comparatively well within the merit review system established by the

Ocean Acidification Program (OAP). In fiscal year 2014, 34 percent of the total OAP directed research investments were devoted to investigating the effects of ocean acidification on Alaska fisheries, notably various king crab species.

Given the geochemical setting and societal dependence on impacted species in the region, Alaska coastal waters have been identified as a potential 'hot-spot' with respect to ocean acidification. This habitat naturally exhibits waters which are seasonally corrosive to shelled organisms and is undergoing rapid change in response to climate warming. The warming waters cause accelerated melting of glacial ice, which can further exacerbate corrosive conditions in the coastal waters off Alaska. As a result, the OAP perceives Alaska research and monitoring as a high priority to the program.

Furthermore, an additional $2.5 million provided to the OAP within the Consolidated and Further Continuing Appropriations Act, 2015, has given the program the ability to increase its Alaska research and monitoring investments. OAP has also leveraged NOAA's fleet to: (1) to support the scientific work aboard the Gulf of Alaska Ocean Acidification cruise, the first of what NOAA hopes to repeat every 4 years to monitor Alaska ocean acidification; (2) to adopt the long term maintenance of two OA moorings originally procured and maintained by the State of Alaska; and (3) to continue and enhance a multi-year, technology development project at the Alutiq Shellfish Pride Hatchery in Seward, Alaska. This last project was initiated in fiscal year 2014 in collaboration with the Alaska Ocean Observing System (AOOS). For additional information on NOAA's OAP see: http://oceanacidification.noaa.gov/WhatsNew/OANews/TurningtheHighBeamsonOceanAcidification.aspx).

Other significant OAP resources, while not exclusively funding Alaska research and monitoring, benefit those efforts. For example, in fiscal year 2015 the OAP will invest more than $1.1 million in data management, quality assurance, and advanced technology projects that provide direct capacity across all the OAP supported research and monitoring efforts, including those exclusively focused on Alaska waters.

Alaska will also benefit from work that would be funded through the proposed increase of $21.4 million for OAP in the fiscal year 2016 President's budget. Approximately 50 percent—$10 million—of the requested increase will close existing gaps within the Ocean Acidification monitoring network and fund biological research activities. Alaska will be eligible to apply for approximately $5 million (about 25 percent of OAP funds) that is made available for competitive grants to establish a more efficient and effective monitoring system as a key element of the National Ocean Acidification Network (NOAN).

Final fiscal year 2016 allocations for OAP directed research investments to Alaska and the Arctic will be determined through NOAA's competitive (merit) review process and the fiscal year 2016 enacted appropriations.

STELLER SEA LIONS

Question. NMFS is currently considering revisions to the critical habitat designation of the Steller Sea Lion under the Endangered Species Act. NMFS has indicated there should be a draft proposed rule released in August. Alaskans, especially in the fishing industry and affected communities, have expressed concern over the lack of transparency and peer review in the process. The North Pacific Fishery Management Council, in a letter dated October 28, 2014, made several recommendations to strengthen the science and improve the public process in this review.

Do you agree with me that we should work to strengthen the scientific analyses, and improve the transparency and communication in this important review of Steller sea lion critical habitat? What steps will you take to address the Council recommendations to have 3rd party independent scientific peer review of the analyses, and provide enhanced opportunity for the Council and the public to review and comment on these analyses prior to the preparation of the proposed rule?

Answer. NOAA Fisheries is pursuing appropriately rigorous scientific analyses and open communication to ensure that any revisions to Steller sea lion critical habitat are well supported and that stakeholders are well informed. For example, NOAA Fisheries is providing regular updates to stakeholders, including the North Pacific Fishery Management Council. We held two public meetings specifically to solicit information that we should consider during our review of Steller sea lion critical habitat an extra step that was not required by law, but helped to engage stakeholders. We have informed stakeholders that a proposed rule to revise critical habitat for Steller sea lions should be released by the end of 2015. We also intend to complete independent peer reviews of the biological report from the Critical Habitat Review Team and the economics report that will support our analysis under section 4(b)(2) of the Endangered Species Act. In response to a request from the North Pa-

cific Fishery Management Council, we will complete those peer reviews before issuing a proposed rule, which will allow the public to consider (during the public comment period on the proposed rule) what the peer reviewers had to say and how NOAA Fisheries responded. We also plan to hold at least one public hearing during the comment period on the proposed rule.

QUESTIONS SUBMITTED BY SENATOR SUSAN M. COLLINS

Question. I would like to thank the Department and NOAA for supporting the Penobscot River Restoration project (over $20 million). I am told that this project has raised more private dollars than any other river restoration project in the country. Thanks to a partnership effort, we are on the cusp of completing what could be one of the largest and most successful fisheries restoration efforts in history.

Across the Gulf of Maine, the restoration of the sea-run migratory fish species is essential to rebuilding a thriving ocean fishery and healthy river communities. The Penobscot River Restoration Agreement has three main components: the removal of the Great Works Dam, the removal of the Veazie Dam, and the construction of a bypass of the Howland Dam. The first two are complete; the third is pending. It is important that NOAA remain committed to seeing through the full implementation of the agreement. If NOAA is not able to commit to the Agreement, which includes the building of a fish bypass, the project will be incomplete and the fisheries benefits will not be maximized.

Will you help to ensure that NOAA will work with the State of Maine, the communities along the Penobscot River, including the Town of Howland, the tribes, and the Penobscot Trust to ensure that the Agreement is fully implemented in a timely fashion?

Answer. Yes, NOAA Fisheries is committed to working with the State of Maine, the communities along the Penobscot, and the Penobscot River Restoration Trust (Trust) in an effort to implement the agreement in a timely fashion. As you pointed out, we have committed substantial resources to this effort to date and will continue to work with the Trust to fully realize the restoration potential of our collective accomplishments. We remain committed to restoring access to important diadromous species habitats throughout the watershed, and to that end, we are working to improve fish passage at a number of different project sites in the basin with several other partners in the State including the Atlantic Salmon Federation, The Nature Conservancy and the Penobscot Indian Nation. In addition, in May 2014 NOAA announced the designation of the Penobscot River Watershed as a Habitat Focus Area (HFA) under the agency's Habitat Blueprint Initiative. This designation creates an opportunity for the agency to combine its fiscal and technical resources to comprehensively address fish passage needs in the watershed. Through the Habitat Focus Area designation, we are working with The Nature Conservancy and local communities to evaluate potential dam removal and fish passage projects in portions of the watershed.

The construction of the Howland bypass is well underway and the Trust expects to complete the project by October 2015. It is our understanding that the Trust raised adequate funding to complete the construction of the bypass which allowed them to go forward with the project in late 2014. While NOAA Fisheries did not provide funding for this component of the project, our staff participated in engineering design review with the Trust and the U.S. Fish and Wildlife Service to provide technical advice for fish passage for diadromous species and to help ensure satisfactory compliance with Federal regulatory requirements.

We look forward to working further with the Trust to enhance fish passage effectiveness and project reliability and to design an effective maintenance and monitoring plan. Diadromous fish monitoring will document the project's success and determine if improvements are needed to the bypass channel to ensure the long-term success of this project. As stewards of both the resources in the river and the public funding supporting this project, we are concerned about the unresolved ownership and long-term maintenance and monitoring plan.

The fiscal year 2016 President's budget request includes an increase of $1.3 million for ESA Salmon, part of which is requested for Atlantic salmon. With this increased funding, we would be able to better support the Maine Department of Marine Resources field operations in each of three salmon recovery areas (including the Penobscot) enabling better monitoring of adult abundance and freshwater production. Additional funding would also be used to better support non-governmental organization (NGO) efforts to restore habitat in the Penobscot and other critical habitats of the Gulf of Maine Distinct Population Segment and to provide more seasonal staff to support salmon and diadromous fish passage operation oversight and stud-

ies. The new fish passage on the Penobscot River requires more seasonal staff to ensure salmon safety and sorting from the anticipated 500,000 to one million river herring as their populations respond to the dam removals. This increased funding will provide support for that essential monitoring.

NOAA Fisheries anticipates publishing several Federal Funding Opportunities (FFO) later this year through our competitive Fisheries Habitat Restoration and Species Recovery grant programs. Funding provided through these Federal Funding Opportunities could support other high priority fish passage projects in the Penobscot watershed. The fiscal year 2016 President's budget also includes a request to substantially expand the Species Recovery Grant Program by $17 million potentially providing even more support for Atlantic salmon recovery.

Question. Earlier this month, NOAA announced its proposal to expand the designated critical habitat for endangered North Atlantic right whales in the northwestern Atlantic Ocean. Currently, the area in New England is comprised of waters off the coast of Massachusetts, including Cape Cody Bay. NOAA's new proposal would greatly expand the designated critical habitat to include nearly the entire Gulf of Maine.

I have heard from concerned fishermen and lobstermen in Maine who are still trying to understand the implications that this proposed expansion might have on their operations. According to NOAA, this proposed expansion does not include any new restrictions for commercial fishing operations or shipping lanes. It is my understanding, however, that NOAA has imposed more stringent fishing restrictions on the existing critical habitat. For example, the lobster fishery in Cape Cody Bay has been regulated far longer than any other trap fishery, and the agency's recent rules regulating vertical lines included the closure of Cape Cody Bay to lobster fishing during the winter.

Will additional restrictions be imposed on commercial fishing operations in the Gulf of Maine should NOAA's proposal be implemented?

Answer. No. The proposed critical habitat will not result in any additional fishing restrictions. The fishing gear restrictions in place in the former Cape Cod Bay and Great South Channel critical habitat areas were implemented to prevent the take of large whales, including the North Atlantic right whale, not to protect the essential features of right whale critical habitat. Those measures were implemented under the Atlantic Large Whale Take Reduction Plan through the Marine Mammal Protection Act to address fishing interactions with large whales in those areas during specified times.

The preamble of the proposed rule to revise critical habitat for right whales under the Endangered Species Act states that additional fishing gear regulations will not be imposed within the proposed right whale critical habitat expansion within the Gulf of Maine or Georges Bank areas. The proposed rule and 4(b)(2) Impact Analysis explicitly state that we have concluded that current fishing practices, with the exception of a possible future fishery targeting copepods, will not affect the essential features of foraging habitat and therefore do not affect critical habitat.

Question. For years, China has manipulated its currency to provide its companies with an unfair trade advantage a problem that has not been sufficiently addressed by the U.S. Government. In Maine, China's currency manipulation has devastated communities that rely upon paper production. Since 2000, Maine has lost nearly half of its jobs in the paper manufacturing industry, and in the past year alone, three Maine mills have closed their doors and left hundreds of workers suddenly unemployed. Other mills may be subjected to a temporary shut down or reduction in operations, leaving workers with their jobs, but without a steady paycheck. This uncertainty and upheaval causes lasting damage to communities.

Earlier this month, I joined a bipartisan group of colleagues, led by Senator Sessions and Senator Brown, in introducing the Currency Undervaluation Investigation Act, which would apply the countervailing duty law to currency manipulation practices and hold foreign countries accountable for these practices.

How will you ensure that those harmed by currency manipulation can have their concerns addressed by the Department of Commerce?

Answer. The issue of currency manipulation or undervaluation is a very important one; the President has made clear that it is inappropriate for any country to try to grow its exports by actively maintaining an undervalued exchange rate. While the authority to monitor and report on currency manipulation rests with the Department of the Treasury, Commerce separately has the authority under the U.S. countervailing duty law to investigate an allegation that foreign producers may be benefitting from unfair subsidies conveyed through a foreign government's currency practices, provided the allegation meets the requirements for initiating an investigation under the U.S. countervailing duty law. A currency-related countervailable subsidy allegation made by a petitioning U.S. industry is examined by Commerce based

on the initiation requirements of U.S. law. If those requirements are met, Commerce would initiate an investigation of the allegation. We recognize that various bills with currency provisions pertaining to countervailing duty proceedings are currently before the Congress. Regardless of the ultimate disposition of the proposed legislation, Commerce remains committed to vigorously enforcing the trade remedy laws to ensure that U.S. companies and workers have every opportunity to compete on a level playing field.

Question. Last September, NOAA's systems were breached in a cyber attack leading to some loss of weather data and delays in satellite data transmissions. Representative Frank Wolf said he was told that the Chinese may have been behind the attack. Commerce Inspector General Todd Zinser's testimony for today expresses serious concerns with Commerce's incident detection and response capabilities. This testimony follows the IG's previous findings before the cyber attack that founds "significant security deficiencies" in the National Environmental Satellite Data and Information Service that pose a "risk in its national critical mission."

Can you describe what vulnerabilities led to the breach of NOAA's information systems, and have those vulnerabilities been addressed?

Answer. Last fall, vulnerabilities in three public facing Web sites allowed attackers to compromise some NOAA systems. This incident, which started in September, was contained quickly and the specific Web application vulnerabilities have been fully addressed. A report describing these vulnerabilities and the mitigations is under review to determine if the report contains classified materials, so NOAA is unable to provide additional details in this answer. However, NOAA can say that the actual effects of the breach were limited. However, taking the affected networks offline to contain the attack did result in extensive Web site and data flow outages. In response to the identified shortcomings, NOAA has vigorously worked to correct cybersecurity flaws and continues to incorporate enhanced security as it modernized existing and designs and implements new systems. Nothing can completely protect an organization from all malicious cyberattacks, but following this course of action will improve the security posture of NOAA's Web sites and IT systems and help ensure that NOAA can continue to perform its critical missions.

Question. The trade enforcement role of the Commerce Department and other trade agencies is very important for U.S. industries across the United States. I would note that the U.S. Trade Representative's Office has recently been addressing a concern related to a Moroccan export quota on goods that are critical to a manufacturer located in Maine. I appreciate the efforts being undertaken to make sure our trading partners are living up to their free trade agreement commitments, as this will ultimately make the difference in ensuring that trade agreements result in benefits to U.S.-based employers and workers.

How extensively is the Commerce Department coordinating with USTR and other agencies to ensure trade agreement compliance?

Answer. Ensuring that our trading partners live up to their trade agreement commitments is critical to the success of U.S. exporters and investors, and to the integrity of those agreements. When U.S. businesses sell abroad, the Department of Commerce works to ensure that they are able to do on a level, competitive playing field. The Commerce Department's Trade Agreements Compliance Program systematically monitors and investigates foreign compliance with over 250 international trade agreements.

Commerce proactively monitors trade agreement compliance and helps ensure U.S. business compete on a level playing field by identifying, investigating and resolving trade barriers. There is no cost to U.S. businesses for this service. Once a barrier is identified, Commerce assembles a case team to investigate the problem and develop a strategy to address it. This process includes coordinating interagency efforts on both an informal basis and formally through the interagency Compliance Task Force and the Trade Policy Staff subcommittees chaired by USTR. In taking action, Commerce teams can gradually escalate trade issues and, as appropriate, bring the full weight of the U.S Government to bear in an effort to resolve the issues, using relevant trade agreements, multilateral/WTO fora, Free Trade Agreement negotiations and other diplomatic means.

As appropriate, cases identified by Commerce may also be referred to USTR and the interagency for formal dispute settlement action consideration. Commerce works particularly close with USTR in defending the rights of U.S. workers and manufacturers under World Trade Organization (WTO) trade remedy rules and challenging foreign countries' use of trade remedies when they violate WTO rules and present a barrier to fair competition from U.S.-produced goods.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

Question. First, I want to thank you for your hard work and the constructive role you played in resolving the crisis we faced during the West Coast port slowdown. For Arkansas farmers, businessmen and women, this really was a serious crisis where a lot of people were harmed by the slowdown.

When this type of situation occurs again, how could this issue be resolved much more quickly so that it does not cause so much economic damage to the country?

Answer. The negotiations over the functioning of the West Coast Ports had been taking place for months with the administration urging the parties to resolve their differences. Helping resolve this dispute was a top priority, and on February 14, 2015, the President directed me, Secretary Perez, and Secretary Foxx to travel to California to meet with the parties to help them reach a resolution.

On February 20, 2015, both parties reached a settlement and agreed to fully restore all port operations starting the following evening. This is great news for the parties involved in the negotiation and a huge relief for our economy particularly the countless American workers, farmers, and businesses that have been affected by the dispute and those facing even greater disruption and costs with further delays.

President Obama has called on the parties to work together to clear out the backlogs and congestion in the West Coast Ports. We remain ready to help both sides on the West Coast to work together towards this goal. We are also ready to provide similar assistance in future seaport contract negotiations on the West Coast and at other U.S. seaports.

Question. I am sure you agree that oversight at the agencies is necessary and an important and worthy goal. Therefore, I am concerned and disappointed that the OIG is experiencing difficulties accessing information needed to investigate and has faced threats not to release reports publicly.

What are you personally doing to ensure this does not continue and do you agree that the IG should have access to the information they need to conduct appropriate oversight?

Answer. I take compliance and oversight very seriously, and deeply appreciate the critical role Inspector General's Offices play in improving management and preventing waste and abuse in the Government. I am fully committed to working cooperatively with the Department's Inspector General on his oversight work and, as the IG Act requires, providing full and open access to information the Inspector General needs to do his job. As the Inspector General acknowledged in his testimony before this subcommittee, when issues arose regarding the Inspector General Office's access to monthly Program Management Council meetings for the weather satellite program, I stepped in to ensure that the Inspector General had the access that he needed. I will continue to take such actions as necessary to ensure that the Inspector General has the legally required access to information he needs to conduct his oversight work.

Question. I am concerned with the OIG's cybersecurity findings. While the IG identifies actions that the Department has taken to strengthen cybersecurity, more needs to be done to protect IT systems and information. A recent FISMA audit revealed "significant security deficiencies" in the NOAA high-impact systems and identified weaknesses in the Department's incident detection and response capabilities.

Are you taking these findings seriously and will you follow-up on the IG's recommendations?

Answer. The CIO is taking the OIG findings, plus his own internal findings, very seriously. The CIO reports on the Department's cyber risk profile, using the NIST cyber framework, on a monthly basis to the Secretary and Deputy Secretary, and updates the Department's Executive Management Team members on the status of their Bureau on a regular basis.

Our fiscal year 2016 request specifically addresses the Department's plan to improve incident response. We have requested an additional 2 full-time equivalents (FTEs) and funding to address directly the OIG findings and the results of third party assessments. We have requested additional information security FTEs to enhance our ability to perform security and cyber risk assessments. We are currently improving our capabilities through the addition of the ESOC capabilities, centralized reporting of computer incidents, and the hiring of additional incident response staff to include a digital forensics analyst. The primary focus for the Office of Cyber Security is shifting from a risk averse policy/compliance mindset to cyber operations/risk management mindset.

Question. Access to broadband is vital to economic development and is a real issue for rural States like Arkansas.

Can you talk about how the fiscal year 2016 budget request supports this goal and what concrete steps the agency will take to expand Internet access, especially in rural areas?

Answer. The Department is committed to building on our broadband expertise to enable more communities to harness the power of broadband for social and economic opportunity. The BroadbandUSA initiative outlined in the President's budget will help more American communities, including rural areas, expand broadband by leveraging the experience and expertise of the Department's National Telecommunications and Information Administration (NTIA).

Through its Broadband Technology Opportunities Program (BTOP), NTIA invested more than $4 billion in projects across the country to deploy broadband networks, expand public access to broadband, and train Americans in the use of computers and the Internet. BTOP projects have delivered over 110,000 miles of broadband networks; connected more than 25,000 schools, libraries, and healthcare facilities to broadband; deployed more than 46,000 computer workstations across the Nation; and generated more than 650,000 new household broadband subscribers through education and training. But these benefits do not meet the tremendous demand for increased broadband that we know exists in America today.

As we close out the few remaining broadband grant projects, we are implementing the new BroadbandUSA initiative to help more communities in rural and other disadvantaged areas expand broadband opportunities.

The goal is to share lessons learned and best practices with community leaders, businesses, and others working on the front lines to close the digital divide. We plan to employ toolkits, training programs, workshops and other strategies for communities working to expand their broadband capabilities. For example, in February 2015, NTIA hosted a workshop in Jackson, Mississippi, that brought together leaders from small and large communities with businesses throughout the Gulf region to share lessons learned and strategies to help expand broadband.

We also intend to work with other Federal agencies whose programs can benefit from broadband expertise, and look for opportunities to maximize the impact agencies have on expanding broadband access and adoption. The Broadband Opportunity Council recently announced by the President will be co-chaired by the Department of Commerce and will bring Federal agencies together to help identify steps to reduce barriers to broadband deployment.

As evidence of the progress that we have made, NTIA recently announced that the United States has met President Obama's goal of ensuring 98 percent of the country has access to wireless broadband at a speed of at least 6 megabits per second (Mbps) down/1.5 Mbps up.

It is also important to note the NTIA's progress towards identifying 500 MHz of spectrum for commercial use by 2020 is also making a tremendous difference in the wireless broadband availability and speeds in rural and other underserved areas of the United States.

The Department is very committed to helping expand broadband opportunities for rural and other underserved areas.

QUESTIONS SUBMITTED BY SENATOR SHELLEY MOORE CAPITO

Question. As the grants from the BTOP program are spent down, does the NTIA have any programs or plans to analyze those areas which are still underserved, such as in West Virginia?

Answer. There are a number of ways in which NTIA is working to deliver benefits to underserved areas of the United States.

Since 2009, NTIA and the FCC have collaborated on the development of the National Broadband Map, http://www.broadbandmap.gov/, which provides detailed data on broadband availability in the United States. The broadband map has become a vital tool for consumers, businesses, policy makers and researchers by providing an easy to use and searchable way to find out who is offering broadband, what types of broadband they are offering and where are they providing it. This tool is especially valuable for rural areas that are looking to develop strategies to expand broadband in their community. We are in the process of transitioning the responsibility for continuing the data collection and updates to the Map to the FCC due to budget constraints.

Through NTIA's State Broadband Initiative, we also funded capacity-building efforts at the State level. Partly as a result, the State of West Virginia recently released a Broadband Strategic Plan (http://www.wvgs.wvnet.edu/bb/reports.php) identifying goals and targets for additional broadband investment that will help fill the gaps in the State's broadband infrastructure.

Additionally, NTIA's Office of Policy Analysis and Development will continue to analyze the status of the "digital divide" and the use of broadband technologies, including deployment and adoption in rural areas. This work, begun in 1994, has resulted in a series of detailed reports based on data from the Census Bureau's Current Population Surveys and American Community Surveys.

The BroadbandUSA initiative outlined in the President's budget will help more American communities expand broadband access and adoption by leveraging the experiences and expertise of the NTIA.

Through its Broadband Technology Opportunities Program (BTOP), NTIA invested more than $4 billion in projects across the country to deploy broadband networks, expand public access to broadband, and train Americans in the use of computer and the Internet. BTOP projects have delivered over 110,000 miles of broadband networks; connected more than 25,000 schools, libraries, and healthcare facilities to broadband; deployed more than 46,000 computer workstations across the Nation; and generated more than 650,000 new broadband subscribers through education and training. But these benefits do not meet the tremendous demand for increased broadband that we know exists in America today.

Question. What initiatives or investments can be made to provide service to those areas?

Answer. As we close out the few remaining broadband grant projects, we are implementing the new BroadbandUSA initiative to leverage our expertise and help more communities expand broadband opportunities. The goal is to share lessons learned and best practices with community leaders, businesses, and others on the front lines of working to close the digital divide. We plan to employ toolkits, training programs, workshops and other strategies to communities working to expand their broadband capabilities. We are working with other Federal agencies whose programs could benefit from broadband expertise, and look for ways to maximize the impact agencies have on expanding broadband access and adoption.

The Department is committed to building on our experience with BTOP to enable more communities to harness the power of broadband for social and economic opportunity.

The Broadband Opportunity Council, recently announced by the President, will be co-chaired by the Department of Commerce and will bring Federal agencies together to help identify steps to reduce barriers to broadband deployment and adoption.

In addition to our work, the U.S. Department of Agriculture's Rural Utilities Service continues to invest in broadband infrastructure projects, and the Federal Communications Commission is updating the Universal Service Fund to better target investments toward broadband for rural and other underserved areas.

Question. Could you please provide an overview of the mission of the recently formed BroadbandUSA within your department specifically mindful of communities in areas such as rural West Virginia that are still lacking in adequate broadband access?

Answer. As described above, the BroadbandUSA initiative builds upon the lessons learned from our successful BTOP and leverages our expertise to help more communities expand broadband access and adoption. The goal is to share lessons learned and best practices with community leaders, businesses, and others on the front lines of working to close the digital divide. We also intend to work with other Federal agencies whose programs could benefit from broadband expertise, and look for ways to maximize the impact agencies have on expanding broadband access and adoption.

NTIA understands that many States such as West Virginia demonstrate significant need for additional broadband infrastructure and adoption resources. Technical assistance will be directed toward areas of greatest need, including rural and tribal areas. As we continue to develop and implement this important program, we will focus our efforts to improve the broadband capabilities in areas with demonstrated need, such as West Virginia.

Question. How do you gauge success for the BTOP program regarding access in rural areas?

Answer. Whereas the complementary Broadband Initiatives Program implemented by the U.S. Department of Agriculture Rural Utilities Service was intended to specifically focus on rural areas, Congress instructed NTIA to address the unmet broadband needs of "unserved and underserved" areas through the BTOP program.

Many of the more than 230 projects funded by NTIA delivered broadband infrastructure, computers, and training to rural areas. For example, the $126 million infrastructure grant to the State of West Virginia deployed new or upgraded broadband capabilities to nearly every school in West Virginia, including those in some of the most rural areas of the State. The nearly $2 million public computer center grant to WorkForce West Virginia improved broadband at 95 workforce centers, libraries and Veterans Affairs facilities in rural communities such as

Buckhannon and Durbin. The $4.4 million broadband adoption grant to Future Generations Graduate School provided computer training and access through local fire stations and helped more than 30,000 West Virginia households become broadband subscribers.

Question. What lessons have you learned that could help Federal/State/local governments in expanding access in the future?

Answer. The Department's NTIA is committed to helping stakeholders at the Federal, State, and local level in expanding broadband access and adoption. The recently launched BroadbandUSA initiative described above will be integral to achieving this goal. By leveraging lessons learned from the successful BTOP program and sharing best practices among private and public stakeholders, NTIA will assist more communities with their goals of expanding broadband opportunities.

NTIA has already identified a number of lessons learned that can assist leaders at the Federal, State, and local level. In January 2015, NTIA released a Public Private Partnership primer, which provides a basic introduction to a variety of partnership models for communities considering new broadband projects. The primer provides a high-level overview of steps to establish partnerships, and presents case studies of successful public-private broadband partnerships. This document is available at: http://www.ntia.doc.gov/report/2015/broadbandusa-introduction-effective-public-private-partnerships.

Question. How do you view your continuing role in providing access in rural areas?

Answer. Building on the primer, we are working on a series of guides to assist communities that want to increase the level of broadband infrastructure and adoption in their areas. These will provide solid and field-tested advice on how to plan for network development, create useful applications and build projects that will sustain themselves for years to come.

Another way we are helping communities is through our broadband adoption toolkit, published in 2013, that serves as a reference manual for municipalities and other organizations that want to increase the level of adoption in their communities. The toolkit contains clear, sensible advice, as well as practical ideas and tips for bringing a wide array of individuals online from senior citizens who may never have touched a mouse before to minority populations who might not even speak English. See http://www.ntia.doc.gov/toolkit.

Additionally, the recently announced Broadband Opportunity Council, established in a March 2015 Presidential Memorandum, will collect recommendations from 25 Cabinet agencies about how to promote broadband deployment and adoption within the context of existing programs.

The BroadbandUSA initiative described in greater detail above represents the Department's priority effort for expanding broadband access and adoption in the United States.

Question. In those rural areas that expanded broadband under BTOP, what was the impact on unemployment, wages, and number of new jobs?

Answer. BTOP projects have demonstrated a significant positive impact on jobs and economic development in the communities they served, with benefits that far surpass the taxpayer investments.

In January, 2015, NTIA released an independent research study showing that its broadband grants program resulted in billions of dollars in economic benefits to the communities served, including increased economic output and higher levels of employment. The 4-year study, prepared by the research firm ASR Analytics, examined the social and economic impacts of the $4 billion in Recovery Act grants awarded by NTIA. In communities where grantees built new broadband infrastructure, broadband availability grew by an estimated 2 percent more than in communities not served by a broadband grantee. That growth could be expected to translate into increased economic output of as much as $21 billion annually, the report concluded.

ASR Analytics' final report summarizes and synthesizes the findings of 42 separate case study reports, two interim reports, and a short-term economic impacts report. Key findings of ASR's final report include:

—On average, in only 2 years, BTOP grant communities experienced an estimated 2 percent greater growth in broadband availability than non-grant communities, which is estimated to generate increased annual economic activity of between $5.17 billion and $21 billion.

—The additional broadband infrastructure provided by BTOP could be expected to create more than 22,000 long-term jobs and generate more than $1 billion in additional household income each year.

—Community anchor institutions, like schools and libraries, served by BTOP infrastructure grantees in the sample experienced significantly increased speeds and lower costs. As an example, the median price paid by libraries in the sam-

ple was $233 megabits-per-second (mbps)/month before BTOP, at a median speed of 3 mbps. As a result of the grant, the median price dropped to $15 mbps/month and median speed increased to 20 mbps.

For more information, please see: http://www.ntia.doc.gov/press-release/2015/research-study-shows-ntia-broadband-grants-provided-billions-economic-benefits.

QUESTIONS SUBMITTED BY SENATOR JAMES LANKFORD

Question. The foreign affairs exception to the Administrative Procedure Act is only for those "affairs" which so affect relations with other governments that the public rule making provisions would clearly provoke definitely undesirable international consequences.

Given that the United States has not had formal diplomatic relations with Cuba since 1961, how would providing notice and comments provoke definitely undesirable international consequences? The precedent this action could have on future issues pertaining to foreign policy as particularly concerning. Was it the expectation of Commerce that the status quo foreign policy related to Cuba would imminently provoke undesirable international consequences? If so, what are the consequences?

Answer. The Administrative Procedure Act's (APA) legislative history confirms that rulemakings that "provoke definitely undesirable international consequences" would clearly fall within the exemption; however the legislative history makes it clear that this is merely an example of the type of actions that would qualify for the exemption. Case law confirms that the phrase "provoke definitely undesirable international consequences" is only an illustration and is not meant to be an exclusive definition of "foreign affairs function." *See, e.g., New York v. Permanent Mission of India to the United Nations,* 618 F.3d 172, 202 (2d Cir. 2010) (finding that quintessential foreign affairs functions such as diplomatic relations and the regulation of foreign missions clearly and directly involve a foreign affairs function, and declining to turn the phrase "provoke definitely undesirable international consequences" from an illustration appearing in the APA's legislative history into the exclusive definition for "foreign affairs function"). Thus, "undesirable international consequences" is not the only basis for publishing rules involving foreign affairs without public notice and comment and Commerce's rule promptly implementing the President's change in foreign policy towards Cuba did not require public notice and comment.

Question. What assurances will NTIA provide to Congress that if the Internet DNS governance is transitioned to another entity that it will not next transition to a nation or entity that is hostile to free speech and religion?

Answer. I appreciate your concern about foreign nations exerting control over the Internet domain name system. I assure you that nothing about the proposed transition of the role of the National Telecommunications and Information Administration (NTIA) in the domain name system will increase the likelihood or ability of foreign governments to exert greater control. Indeed, a main driver behind the IANA transition is to strengthen the multistakeholder process, thereby decreasing the likelihood of and opportunity for repressive regimes to exercise control over the domain name system at a global level. Moving forward to complete the privatization planned in the 1990's is our best response to recent calls from around the globe for greater control of the Internet by intergovernmental bodies like the United Nations.

It is important to understand that no single entity including the U.S. Government—controls the domain name system or the Internet today. The Internet is governed through the bottom-up, consensus-based multistakeholder model in which private industry, engineers, civil society, and governments work together to develop policies. The proposed transition of NTIA's limited role is fully consistent with this multistakeholder model and will only strengthen the model against capture by anyone, including foreign governments. For this reason, the proposed transition has widespread support from Internet stakeholders, including AT&T, Verizon, Microsoft, Google, human rights groups, and the U.S. Chamber of Commerce.

Moreover, in addition to a transition plan, Internet stakeholders are working on a proposal to enhance ICANN's future accountability. We expect the proposal to include the "stress testing" of solutions to safeguard against future contingencies, such as attempts to influence or take over ICANN. As we have stated publicly, the Department will not approve a proposal that would allow our role to be replaced by a government or intergovernmental organization. We will continue to keep Congress apprised of any developments through quarterly reports, which NTIA will supplement with additional information as appropriate.

Question. What steps have been taken to implement the reforms required in the 2012 authorization of the Export-Import Bank?

Answer. The Export-Import Bank of the United States (Ex-Im Bank) equips U.S. businesses with the financing tools they need to tackle new markets for their goods and services and to expand and create U.S. jobs. Last year, Ex-Im supported $27.4 billion of exports and 164,000 American jobs at no cost to American taxpayers, with nearly 90 percent of Ex-Im Bank's transactions directly supporting small businesses. All of the reforms required by the bipartisan 2012 Ex-Im Bank reauthorization bill have been completed and implemented. Please see on the next two pages the section-by-section analysis provided by Ex-Im Bank. For further information, I recommend that you contact Ex-Im Bank management directly.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012: EVERY REFORM COMPLETED
SECTION-BY-SECTION ANALYSIS

EXPORT-IMPORT BANK *of the* United States

Export-Import Bank Reauthorization Act of 2012: Every Reform Completed

Less than three years ago, Congress voted to reauthorize the Export-Import Bank of the United States, including a number of reforms (P.L. 112-122). Ex-Im Bank has now completed and implemented **every single reform**. But reforming and improving our operations doesn't begin or end with a bill's passage. At Ex-Im Bank, we pride ourselves on "government at the speed of business," and we've taken a number of steps in recent years to improve the customer experience for small business exporters, streamline operations, manage risk, and improve transparency.

Section by Section: Export-Import Bank Reauthorization Act of 2012 Status

Section 1: Short Title; Table of Contents . . . . . No Action Required

Section 2: Extension of Authority . . . . . No Action Required

Section 3: Limitations on Outstanding Loans, Guarantees, and Insurance . . . . . Completed

Ex-Im Bank met all conditions for an increase in its exposure cap to $130 billion in 2013 and an increase to $140 billion in 2014 (see sections 4-6, 11).

Section 4: Export-Import Bank Exposure Limit Business Plan. . . . . Completed

Ex-Im Bank sent its final business plan to Congress and the Comptroller General on September 28, 2012.

Section 5: Study by the Comptroller General on the Role of the Bank in the World Economy and the Bank's Risk Management . . . . . Completed

GAO submitted its report to Congress in March 2013. The Bank submitted its report to Congress on the implementation of GAO's recommendations in July 2013.

Section 6: Monitoring of Default Rates on Bank Financing; Reports on Default Rates; Safety and Soundness Review . . . . . Completed Quarterly

Ex-Im Bank submits a default rate report to Congress each quarter.

Section 7: Improvement and Clarification of Due Diligence Standards for Lender Partners . . . . . Completed

Ex-Im Bank updated its due diligence standards and "know your customer" requirements on May 30, 2014.

Section 8: Non-Subordination Requirement . . . . . Completed

Ex-Im Bank added this requirement to its Policy Handbook and completed training of Ex-Im Bank staff.

Section 9: Notice and Comment for Bank Transactions Exceeding $100,000,000. . . . . Ongoing

Notices are regularly published in the Federal Register as required.

Section 10: Categorization of Purpose of Loans and Long-Term Guarantees in Annual Report . . . . . Completed

Ex-Im Bank first included a categorization of long-term loans and guarantees in its FY 2012 Annual Report. The categorization will continue to be included in all future Ex-Im Bank Annual Reports.

Section 11: Negotiations to End Export Credit Financing . . . . . Completed Annually by U.S. Department of Treasury

Completion of this reform was assigned by Congress to the U.S. Department of the Treasury. Treasury provides a report on export credit financing to Congress annually.

Section 12: Publication of Guidelines for Economic Impact Analyses and Documentation of Such Analyses . . . . . Completed

Updated economic impact procedures and methodology were approved by Board on November 19, 2012. They were published online and reported to Congress, GAO, and the Inspector General on November 26, 2012.

EXPORT-IMPORT BANK *of the* **United States**

Continued:

Section by Section: Export-Import Bank Reauthorization Act of 2012 Status

Section 13: Report on Implementation of Recommendations of the Government Accountability Office . . . Completed

Ex-Im Bank submitted this report to Congress on November 26, 2012.

Section 14: Examination of Bank Support for Small Business. . . . . Completed

Ex-Im Bank's Small Business Report was submitted to Congress on November 26, 2012.

Section 15: Review and Report on Domestic Content Policy . . . . . Completed

Ex-Im Bank's report to Congress on domestic content policy was submitted on May 30, 2013.

Section 16: Improvement of Method for Calculating the Effects of Bank Financing on Job Creation and Maintenance in the United States . . . . . Completed

GAO submitted its report on May 23, 2013.

Section 17: Periodic Audits of Bank Transactions. . . . . Initial Audit Completed

GAO completed an initial audit of underwriting guidelines, lending policies, due diligence procedures, content guidelines, and fraud controls. It was sent to Congress on September 9, 2014. Future audits will take place periodically.

Section 18: Prohibitions on Financing for Certain Persons Involved in Sanctionable Activities with Respect to Iran . . . . . Completed

Procedures and certificates have been posted on Ex-Im Bank's website, and training of Ex-Im Bank staff has been completed. Certificates are being collected as required.

Section 19: Use of Portion of Bank Surplus to Update Information Technology Systems . . . . . Ongoing

Ex-Im Bank is modernizing its IT systems.

Section 20: Modifications Relating to the Advisory Committee . . . . . Completed

Beginning in 2013, each Ex-Im Bank Advisory Committee has included a textile industry representative. That member helps ensure that the Advisory Committee is working to advise Ex-Im Bank on how to increase support for the U.S. textile industry.

Section 21: Financing for Goods Manufactured in the United States Used in Global Textile and Apparel Supply Chains . . . . . Completed

Ex-Im Bank's Report on Global Textile and Apparel Supply Chains was sent to Congress on November 30, 2012.

Section 22: Technical Correction . . . . . No Action Required

Section 23: Sub-Saharan Africa Advisory Committee . . . . . No Action Required

Section 24: Dual-Use Exports . . . . . No Action Required

Section 25: Effective Date . . . . . No Action Required

Ex-Im Bank has also enacted a number of additional voluntary improvements to better serve exporters and protect taxpayers:

- Realigned internally by industry sector to respond to market trends and better serve U.S. exporters.
- Improved customer service for U.S. exporters through the new Customer Contact Center at 1-800-565-EXIM.
- Established the office of Chief Risk Officer and created the Enterprise Risk Committee to maintain comprehensive and systematic risk management.
- Mandated ethics training for every single Ex-Im Bank employee, resulting in a 100% participation rate.

Updated: March 3, 2015

Question. Regarding product promotion overseas, which product groups do not have the ability to promote their products on the international marketplace?

Answer. The International Trade Administration (ITA), with its country- and industry-specific expertise along with a global network across the United States and around the world, plays a unique role in addressing barriers to broadening and deepening the U.S. exporter base. This includes: (1) Providing market- and industry-specific information where it would not otherwise be available at an affordable cost, particularly for small and medium-sized businesses; (2) Facilitating business opportunities by connecting qualified foreign buyers with U.S. suppliers; (3) Strengthening the social networks and institutions which underpin private sector activity in trade and investment, especially in culturally distant markets; and (4) Helping businesses overcome barriers to market access, including through political and diplomatic support.

As part of ITA, Global Markets assists and advocates for U.S. businesses in international markets to foster U.S. economic prosperity. Utilizing our network of trade promotion and policy professionals located in over 70 countries and 100 U.S. locations, Global Markets promotes U.S. exports, especially among small and medium-sized enterprises; advances and protects U.S. commercial interests overseas; and attracts inward investment into the United States.

Global Markets has a Federal Government presence both across the United States and in countries that represent 91 percent of worldwide GDP with authoritative, impartial, accessible professionals who have specific trade and investment expertise. As trusted intermediaries with extensive public and private sector contacts, credibility and influence in foreign markets, Global Markets effectively assists U.S. businesses and partners in entering and expanding international markets, addressing barriers to accessing foreign markets, winning foreign government procurements and attracting inward investment.

Global Markets places a primary emphasis on promoting the exports of small and medium-sized enterprises (SMEs). SMEs face internal and external barriers that inhibit their ability to access the information and contacts needed to fulfill their export potential. Over 80 percent of U.S. export value is attributable to less than 10 percent of U.S. exporters, which are predominately large companies with exports to more than 10 markets. The majority of SME exporters only export to one market and do not export in consecutive years. Global Markets is focused on helping SMEs overcome the internal and external barriers to exporting so that more SMEs export to multiple markets and do so on an ongoing basis.

Finally, Global Markets promotes all product and service groups. Regarding which product groups are not able to be promoted in the international market place, in accordance with the U.S. and Foreign Commercial Service's fiscal year 2011 Fee-Based Services Eligibility Policy and the Consolidation Appropriations Act of 2010, USFCS is prohibited by law from promoting the export of tobacco or tobacco-related products and policy restricts export promotion concerning munitions or sexually explicit material. Additionally, local laws and regulations in all markets can further complicate or even prohibit the ability to promote certain product groups in the international market place (i.e. alcohol, chemicals or weapons).

Question. If the State Department is not part of the President's new proposed trade department, do you expect that trade policy objectives, such as ensuring that our trade partners respect human rights and religious freedom, will be assumed by the new department or remain part of the State Department?

Answer. The President is asking Congress to give him the authority to submit to Congress for expedited consideration proposals to consolidate executive branch agencies so long as the result would be to reduce the number of Government agencies or cut costs. If he were granted such authority, the President has put forward a proposal that would consolidate six primary business and trade agencies, as well as other related programs, integrating the Government's core trade and competitiveness functions into one new department. Specifically, the department would include the Department of Commerce's core business and trade functions, the Small Business Administration, the Office of the U.S. Trade Representative, the Export-Import Bank, the Overseas Private Investment Corporation, and the U.S. Trade and Development Agency. This Department would be responsible for expanding trade and investment, growing small businesses, and supporting innovation, and would be more effectively aligned to strengthen trade enforcement and implement a strong, pro-growth trade policy.

Question. If the State Department, what level of coordination would you expect from the new department and State to ensure these concerns are addressed?

Answer. If Congress grants him that authority, we will consult with Congress, other agencies and stakeholders and develop a more detailed proposal for the cre-

ation of the proposed new department. Unless and until that authority is granted, we remain focused on our current mission.

Question. Regarding the American Community Survey.—What is the total cost per completed survey?

Answer. In fiscal year 2014, the cost of the American Community Survey (ACS) was $230 million. The Census Bureau conducted about 2.4 million interviews that year, thus yielding a cost of approximately $96 per completed survey. Each year only a small percentage of households are selected to participate in the survey, yet the entire country benefits from the wealth of information the ACS provides—over 11 billion estimates each year. For just $1.72 per household a year, our communities and businesses get the data they need to help them plan and make decisions to invest and grow our economy.

Question. Is there a problem with moving to voluntary completion?

Answer. Yes. Census research, and experience in other countries, show that moving to a voluntary survey would make the American Community Survey (ACS) more expensive, less accurate, or both. Because the ACS would have far fewer completed interviews, the resulting data would be much less reliable. To achieve the same level of quality of the current mandatory survey, the Census Bureau would have to spend an additional $90 million annually to implement a voluntary ACS. Making the survey voluntary would disproportionally affect rural areas and small populations throughout the Nation. A voluntary ACS at current funding levels would result in the loss of data for approximately 61 million people, representing about 24 percent of counties—mostly rural and small communities.

The Census Bureau's top priority is respecting the time and privacy of the people providing the information. We are accelerating our program of research to address these concerns, including how best to operationalize needed changes. We are focused on specific ways to reduce the concerns of survey respondents. For instance: (1) can we remove questions by using other data sources, including information people have already provided to the government? (2) can we better phrase our questions to reduce respondent concern, especially for those who may be sensitive to providing information? (3) can we ask some questions every other year, or every third year? The Census Bureau continues to place a high priority on this work and will report to the Secretary of Commerce by the end of the fiscal year (2015).

Question. In written testimony before this subcommittee, Inspector General Zinser testified that "from fiscal year 2012 through February 18, 2015, around 38 percent of the contract obligations awarded by the Department have been high-risk obligations."

What steps are you taking to ensure that the Department properly awards, administers, and reports high-risk contracts?

Answer. In response to recommendations set forth in the published Office of Inspector General audit report entitled, *The Department's Awarding and Administering of Time-and-Materials Contracts Needs Improvement,* the Department of Commerce has taken significant steps to improve the use and management of high-risk contracts to include:

—Incorporated definitive control objectives specific to high-risk contract actions into Acquisition Management Reviews;

—Increased the focus of the Acquisition Review Board and Investment Review Board processes to require further details when awarding high-risk contracts, including the use of a standardized list of considerations to evaluate proposed acquisition strategies;

—Monitoring the use of new contract dollars awarded with high-risk contracting authorities through the Department's Acquisition Council on a monthly basis; and

—Re-issued departmental policy to the Department's contracting workforce on the proper use, management and documentation requirements of contracts awarded under high-risk contracting authorities.

With these tools in place, the Department is assured that sufficient awareness and oversight is in place to ensure high-risk contracts are awarded, administered and reported properly.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

NOAA EFFORTS REGARDING SALMONID POPULATIONS

Question. Since the issuance of the 2009 salmon biological opinion, operations of California's Central Valley Project (CVP) and State Water Project (SWP) are re-

quired to adhere to stringent regulations in order to protect endangered and listed salmonid species.

However, nearly 6 years after the actions required by the salmon biological opinion has taken effect, the species is still suffering, and population recovery is still a distant goal.

While there are many debates about the effects of the CVP and SWP on salmonid species, there is general consensus that water pumping is not the *only* action that affects salmonid populations.

Based on the best available science today, what factors besides water pumping negatively affect the extent and pace of recovery in salmonid populations?

Answer. Habitat loss and degradation are primary limiting factors for anadromous salmonid populations. Currently, dams block Chinook salmon and steelhead from over 90 percent of their historical spawning habitat in the Central Valley. In addition, 98 percent of riparian and floodplain habitat in the lower river and Delta is no longer available to support healthy fish runs.

Numerous additional factors (besides water pumping) impair recovery, including: blocked access to historical spawning areas; drought conditions; disconnected floodplain habitat along tributaries and mainstreams; impaired flow and sediment regimes below dams that degrade rearing habitats in stream channels and reduce the frequency and magnitude of high and turbid flows beneficial to juvenile migration; channel revetments and levees that eliminate shallow rearing habitat; commercial and recreational fisheries; impaired water quality; predation by non-native fish; and unintended effects of hatcheries all contribute to declining populations. Many of these factors are related to the existence and operation of the water projects, but are not directly related to pumping.

In July 2014, the National Marine Fisheries Service (NMFS) issued a recovery plan for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and California Central Valley steelhead that identifies and prioritizes the above factors, and other threats and stressors to each of the life history stages of the listed salmonids.

Question. Since the issuance of the 2009 salmon biological opinion, what steps has NOAA taken to address these other factors and to improve salmon recovery efforts?

Answer. NOAA has taken the steps shown below to improve salmon recovery efforts:

Habitat

NMFS has been actively pursuing salmonid reintroductions to historical habitat in the Sacramento River watershed upstream of Shasta Dam, in Battle Creek, in the upper Yuba River watershed, and in the San Joaquin River. NMFS has also been engaged in the California Department of Water Resources' FloodSAFE initiative in order to integrate floodplain and riparian habitat restoration into the State's flood protection system and associated conservation strategy.

Fisheries

NMFS established a regulatory management strategy for protecting winter-run Chinook salmon in the ocean salmon fishery such that the fisheries' impacts will be lessened if the population's abundance declines below key thresholds.

Hatcheries

NMFS' Southwest Fisheries Science Center was directly involved in the California Hatchery Scientific Review, and NMFS has been engaged with other agencies in implementing the recommendations developed during the review.

Salmon Loss in Colusa Basin

NMFS has been directly involved in multi-agency efforts to rescue salmon and steelhead that were trapped in the Colusa Basin Drain and has been working closely with agencies and stakeholder groups to minimize impacts.

Drought

The five agencies primarily involved in the coordinated operation and regulation of the Federal Central Valley Project (CVP) and State Water Project (SWP) are planning for a fourth year of drought. Working in close coordination, the United States Department of the Interior Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (USFWS), the United States Department of Commerce National Oceanic and Atomosphieric Administration (NOAA) through the National Marine Fisheries Service (NMFS), the California Department of Water Resources (DWR), and the California Department of Fish and Wildlife (CDFW) have developed an *Interagency 2015 Drought Strategy* in order to rapidly and equitably balance be-

tween all of the competing needs for limited water. Core principles in the drought strategy include specific protections for salmon and steelhead.

Recovery Partner Collaboration

NMFS has been working closely with its agency partners and the Golden Gate Salmon Association, the Glenn-Colusa Irrigation District, the Northern California Water Association, Trout Unlimited, Cal-Trout, and American Rivers to develop and pursue salmonid recovery actions. This collaboration resulted in on the ground results in 2014 with the completion of the Painter's Riffle habitat restoration project on the Sacramento River.

In 2014, NMFS released its *Final Recovery Plan for Central Valley Chinook Salmon* and Steelhead jointly with California Department of Fish and Wildlife's *Ecosystem Restoration Program Conservation Strategy.* Parallel with the release and implementation of these plans, Golden Gate Salmon Association and Northern California Water Association developed salmon restoration initiatives, and multiagency efforts are underway to strengthen implementation of the Central Valley Project Improvement Act's fish program. NMFS continues to be heavily engaged in these stakeholder and agency partner efforts in order to help achieve salmon and steelhead recovery goals.

Budget

The fiscal year 2016 President's budget request includes an increase of $1.3 million for ESA salmon recovery for a total of $68.5 million. Under this proposal, NOAA will address Atlantic and Pacific salmon recovery including expanded Pacific salmon monitoring capabilities and increased ESA section 7 consultation capacity on the West Coast to improve our on-time consultation completion rate in support of the regional economy.

Specifically, NMFS' work in the Sacramento and San Joaquin watersheds occurs in three main program areas:

Central Valley/State Water project ESA review and permitting

These activities include immediate action on the drought, work on the biological opinion for the Long-term Water Operations for the State Water Project and Central Valley Water Project Remand, and development and review of the Bay-Delta Conservation Plan.

ESA administration for the broader suite of actions across the entire Central Valley/San Joaquin geography

These activities include continued work on large-scale programs such as the San Joaquin River Restoration Program and the Central Valley Flood Protection Program, development and review of Hatchery Genetic Management Plans, and ESA section 7 consultations.

Monitoring and technical support (for the activities mentioned above)

This includes NMFS activities to develop salmonid life cycle modeling for the Central Valley, as well as any research and monitoring needs that may be carried out. Adaptive management is central to planned future water project operations, and adaptive management requires ongoing research support for development and updating of conceptual and quantitative models, design and execution of monitoring programs, and management and synthesis of scientific information. This will require an ongoing investment in our anadromous fish research program as well as infrastructure to conduct monitoring.

The recent drought emergency has increased short term stress on completing our regulatory requirements and highlighted the need for more comprehensive management of the system focused on the long term protection and recovery of salmonids.

The budget also includes an increase of $19 million for expanded consultation capacity nationwide, including in California.

Question. Please provide a list and description of the habitat restoration projects NOAA has supported or conducted in the Sacramento-San Joaquin River Delta since the issuance of the 2009 salmon biological opinion to help improve endangered/listed salmonid recovery.

Answer. NMFS is significantly involved in many important collaborative restoration projects in the Sacramento-San Joaquin Delta in a technical advisory capacity. NMFS works with numerous partners to shape these efforts, ensuring that projects are designed to avoid jeopardizing ESA-listed salmon and steelhead and to contribute to recovery goals and actions consistent with the recent Central Valley Recovery Plan.

Since 2010, NMFS has supported and participated in the Fish Restoration Program (FRP). The FRP is an agreement between California Department of Fish and

Wildlife and California Department of Water Resources (CDWR) that was signed following the 2009 salmon biological opinion. The primary Fish Restoration Program obligation is to restore 8,000 acres of intertidal marsh and associated subtidal habitat in the Delta and Suisun Marsh. This includes 800 acres of marsh in the low-salinity-zones of the estuary made up of the Suisun Marsh and the westernmost part of the Delta. The Fish Restoration Program also includes a number of actions to benefit winter-run and spring-run salmon, steelhead, sturgeon and other native fish species. The focus of these restoration efforts has been in the Delta, Suisun Marsh and Yolo Bypass, as well as connected upstream watersheds. For example, CDWR acquired a substantial portion of Prospect Island in 2010 and has been leading the restoration of this important intertidal habitat. In addition, the State of California contributed $12 million toward the restoration of Battle Creek for salmon and steelhead. NMFS is a partner of the multi-agency effort (approximately 10 agency and public partners) implementing the Battle Creek Restoration Project. For a summary of the FRP, including annual reports, *see* http://www.water.ca.gov/environmentalservices/frpa.cfm.

There are a number of other Delta restoration and planning efforts underway in which NMFS is involved to provide technical guidance. These include the following major restoration projects:

—Delta Stewardship Council Delta Plan;
—California EcoRestore (formerly par of the Bay Delta Conservation Plan BDCP) [1];
—Suisun Marsh Habitat Management, Preservation, and Restoration Plan, and
—Ecosystem Restoration Program (for 2014 highlights report *see* https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=93380&inline.

Question. What steps has NOAA taken since the issuance of the 2009 biological opinion to reduce/mitigate the effects of non-native predator species (such as striped bass) on the recovery of endangered/listed salmonid species? Please specifically describe the projects involved and their status.

Answer. Predator fish, including striped bass, are one source of Chinook salmon mortality, and it is a priority in our Central Valley Salmon and Steelhead Recovery Plan to implement projects to reduce predation at weirs and diversions in the Delta. Per our 2009 Biological Opinion, NMFS is working with the California Department of Water Resources (CDWR) to develop and implement predator control methods for Clifton Court Forebay on the State Water Project.

In 2014, NMFS initiated a study in the south Delta to examine whether predator removal could be a viable management strategy to improve survival of salmonids migrating through this area, and to learn about predator identity, activity, abundance, and behavior. Preliminary results show that striped bass are a frequent predator of salmonids, but many salmon are also consumed by catfish. Removing striped bass from small areas can improve survival of salmonids transiting that area, but striped bass are very mobile and quickly repopulate areas from which they have been removed. Predators were found to be concentrated in certain places with particular physical conditions such as holes scoured by the current in the bends of armored channels, areas with underwater structures that provide cover to predators, and water diversions that concentrate salmon (these have been noticeable, although we still have more to learn from careful analysis of the data collected). Efforts to alter these locations to make then less suitable for predators might be more effective than removals. This study will be repeated in 2015, with funding from the California Department of Water Resources.

NMFS is also developing a model that should help us understand the relationship between inflows to the Delta, pumping, and salmonid survival. The model includes an agent-based salmon model that incorporates swimming and navigational behaviors and predation, and a hydraulic model of the Delta that includes tidal forcing, pumping, and operations of barrier gates. The salmon model has been successfully fit to tagging data (described briefly in response to the question below). The model will be used in 2015 to evaluate the impacts of alternative water project operations, and to more generally understand the conditions under which and the mechanisms

[1] On April 30, 2015, the Governor of California announced new parallel plans for restoring the Sacramento-San Joaquin River Delta ecosystem and the modernization of California's aging water infrastructure. The Bay Delta Conservation Plan (BDCP) will no longer be pursued as a habitat conservation plan. The new approach entails two separate, but parallel, State plans:

1. A habitat plan California EcoRestore aims to restore nearly 40,000 acres to support the long–term health of the Delta's native fish and wildlife species.
2. An infrastructure plan California Water Fix to achieve and sustain these restoration goals, while protecting the state against the catastrophic threats of climate change, earthquakes and levee breaks.

(direct entrainment or increased exposure to predation) by which pumping impacts salmon. This study is ongoing, with funding from the U.S. Bureau of Reclamation.

Question. What steps has NOAA taken since the issuance of the 2009 biological opinion to improve monitoring, surveying, and detection of salmonid species in the Delta, so that the agency has a clear understanding of the presence and distribution of salmon in the Delta? Please specifically describe the projects involved and their status.

Answer. Since 2007, NMFS has been employing acoustic tag technology to monitor the migration and survival of salmonids between spawning areas and the Pacific Ocean. In 2013, tags became small enough to implant in endangered winter-run Chinook, and in 2015, receivers were deployed in the river and Delta that transmit their data in real time to a Web server, allowing water and fishery managers to know when tagged winter Chinook are entering key areas. These studies have revealed the importance of flow pulses to the migration and survival of winter Chinook and threatened steelhead, and the existence of mortality hot-spots within and outside of the Delta. NMFS is also starting a pilot project in 2015 to examine the potential of radio-frequency identification tags (which are ~100x cheaper than acoustic tags) to greatly expand the scope of salmonid monitoring studies. This work is ongoing, with funding from the U.S. Bureau of Reclamation and the California Department of Fish and Wildlife (CDFW).

In addition, NMFS Southwest Fisheries Science Center (SWFSC) is modifying the existing particle tracking model to develop an enhanced particle tracking model that assigns advection and "swimming" behavior to particles as part of their effort to develop a life cycle model for winter-run Chinook Salmon. By inserting a number of these particles at select Delta locations into a simulation of current and forecasted hydrology, the enhanced particle tracking model can provide information on predicted route selection and fate of particles to inform management of various hydrodynamic effects of operations on salmonid movement. Using the enhanced particle tracking model for real-time operations in 2015 would provide an initial trial of the calibrated modeling and analytical efforts and techniques required for rapid response. Funding for this effort is provided by the U.S. Bureau of Reclamation.

Kodiak/Midwater trawl monitoring stations were implemented at Jersey Point and Prisoners Point in the Delta in 2014–2015 in order to establish a baseline understanding of the timing, duration, and frequency of anadromous salmonid species at those monitoring locations. The trawl monitoring was also utilized before, during, and after a storm event, and also in anticipation of and during flexible operations that are different than required in the biological opinion, in order to inform operations and better understand the influence of storm events and operations on the timing, distribution, and magnitude of the anadromous salmonid species.

Question. What steps has NOAA taken since the issuance of the 2009 biological opinion to test and/or implement physical and non-physical barriers in the Delta that would better protect salmon from entrainment? Please specifically describe the projects involved and their status.

Answer. In 2009 and 2010, the California Department of Water Resources (DWR) implemented a bio-acoustical fish fence (combination of bubbles, lights, and sound) study at the Head of Old River to determine the effectiveness of the technology in separating fish (keeping them in the mainstem San Joaquin River) from flow (down Old River to the Federal and State pumping facilities). The U.S. Bureau of Reclamation issued a report in 2012, but the California Department of Water Resources is reanalyzing the data, with another report expected sometime this year.

The California Department of Water Resources implemented a bio-acoustical fish fence in 2011 and 2012, and a floating fish guidance structure in 2014, in Georgiana Slough at the upstream confluence of the Sacramento River to determine the effectiveness of the technologies in separating fish (keeping them in the mainstem Sacramento River) from flow (down Georgiana Slough and into the Central Delta). The California Department of Water Resources expects to issue a final report this year.

NMFS staff are part of an interagency team, including California Department of Water Resources (lead), Reclamation, USFWS, and California Department of Fish and Wildlife, to consider engineering solutions to further reduce diversion of emigrating juvenile salmonids to the interior and southern Delta, and reduce exposure to California's Central Valley Project and State Water Project export facilities (pursuant to RPA Action IV.1.3). A final report with recommendations from the California Department of Water Resources was shared with NMFS on March 26, 2015, and we are working together to determine next steps.

Question. What steps has NOAA taken since the issuance of the 2009 biological opinion to reduce or eradicate aquatic invasive weeds in the Delta that may negatively affect oxygen and nutrient levels in Delta water for endangered/listed salmonid species? Please specifically describe the projects involved and their status.

Answer. The California Department of Boating and Waterways (CDBW) and U.S. Department of Agriculture Agricultural Research Service (USDA) are the lead agencies in California that execute the water hyacinth control program (WHCP), which includes both herbicide and mechanical removal of the plant.

NMFS' role in control of aquatic invasive Delta weeds is to assist the USDA and California Department of Boating and Waterways in compliance with their Endangered Species Act (ESA) section 7 consultation requirements, since herbicide treatment and mechanical removal activities can be otherwise harmful to the aquatic environment. USDA consults with NMFS (and the U.S. Fish and Wildlife Service) to ensure Endangered Species Act compliance for water hyacinth control program actions.

On February 27, 2013, NMFS issued a concurrence letter to USDA for its proposed water hyacinth control program for 2013–2017. On March 13, 2013, the U.S. Fish and Wildlife Service issued a biological opinion to USDA for the same. Previous consultations requests from USDA have been on annual water hyacinth control program operations, however, this consultation was on a 5-year permit, giving longer term certainty to USDA and California Department of Boating and Waterways that their program was in compliance with the Endangered Species Act.

NMFS also issued a concurrence letter to USDA on February 2, 2014, for their Spongeplant Control Program for 2014–2017. NMFS acknowledged the inefficiencies in consulting on individual aquatic invasive weeds in the Delta, even if it is for several years at a time. Therefore, in 2014, NMFS initiated an interagency effort to assist USDA and the California Department of Boating and Waterways in their development of a comprehensive multi-year program to control all aquatic invasive weeds in the Delta.

QUESTIONS SUBMITTED BY SENATOR TAMMY BALDWIN

NOAA—AQUACULTURE

Question. In many Wisconsin communities along the Great Lakes, we are seeing growing entrepreneurial interest in urban aquaculture systems. We also have both university- and non-governmental organizations providing training and support, encouraging innovation and growth in this industry. The NOAA budget proposal recommends a stronger focus on the development of aquaculture systems. Along with ocean coastal States, I believe Wisconsin has the potential to expand its aquaculture production significantly in coming years.

What is NOAA's position on the future role of Great Lakes freshwater aquaculture and urban aquaculture systems in increasing U.S. domestic aquaculture production?

Answer. Currently, the United States imports 90 percent of our seafood. This extensive importation has led to a large and growing seafood trade deficit that exceeds $12 billion (Fisheries of the United States, 2013). Part of NOAA's mission is to develop sustainable marine aquaculture across a broad range of systems and technologies, e.g., coastal shellfish and finfish farming, offshore aquaculture, stock enhancement activities, and land-based systems (aka "urban aquaculture"). NOAA will continue to support urban aquaculture development primarily through the National Sea Grant College Program. Urban aquaculture has been the subject of research and extension projects by several Sea Grant programs, including both within and outside the Great Lakes region, and was the subject of a major symposium sponsored by Rhode Island Sea Grant in 2002. NOAA anticipates that Great Lakes freshwater aquaculture and urban aquaculture will continue to play an important role as the U.S. aquaculture industry continues to develop.

(2013). Fisheries of the United States 2013. Silver Spring, MD: National Marine Fisheries Service, Office of Science and Technology. URL: http://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus13/FUS2013.pdf.

Question. Would NOAA's proposed aquaculture funding be available to these non-marine systems?

Answer. Yes. The NOAA Sea Grant National Marine Aquaculture competitive program is designed to support the development of environmentally and economically sustainable aquaculture within ocean, coastal, or Great Lakes settings. The fiscal year 2014 and fiscal year 2015 Federal Funding Opportunity (FFO) announcements for this important Sea Grant program have stated explicitly that the Great Lakes are included. Additionally, Great Lakes aquaculture projects are eligible to apply for NOAA's National Marine Fisheries Service Saltonstall-Kennedy grant competition. NOAA intends to continue this policy of supporting Great Lakes aquaculture in fiscal year 2016.

NOAA—COASTAL RESILIENCE IN THE GREAT LAKES

Question. Climate change will significantly impact the Nation in coming years, Wisconsin included. With rich natural resources, many of Wisconsin's economic sectors and coastal communities will be highly impacted by a changing climate. Our Lake Michigan and Lake Superior coasts include highly developed and rural areas, forests, and protected shorelines. NOAA's fiscal year 2016 budget request emphasizes increased support for community, ecosystem, and economic resilience.

What support will be available to support Great Lakes coastal resiliency?

Answer. In fiscal year 2016, NOAA is requesting a suite of program increases to enhance resilience of coastal communities, economies, and ecosystems nationwide, including those in the Great Lakes region.

Regional Coastal Resilience Grants will catalyze regional-scale implementation of resilience plans such as hazard mitigation, land use, and adaptation (+$45 million for a total of $50 million in fiscal year 2016).

—Capacity to Respond to Extreme Events will improve NOAA's capabilities to assess inundation risks, communicate them to at-risk coastal communities, and help those communities take action to mitigate those risks (+$4.8 million).

—Ecosystem-based Solutions for Coastal Resilience will encourage the use of natural infrastructure for coastal protection by helping communities to compare the economic impacts of ecosystem protection and restoration vs. other uses of coastal lands and waters (+$5 million).

—AmeriCorps Resilience Corps Pilot Program Training and Technical Assistance will provide training to on-the-ground AmeriCorps members who will work directly with communities to improve their resilience to climate change ($2 million).

These initiatives will build on NOAA's ongoing efforts to emphasize coastal resiliency in the Great Lakes region. This includes NOAA's Great Lakes Coastal Resilience Planning Guide. This is an online guide for planners and practitioners to share proven solutions, best practices, and lessons learned for resilience building, as well as the tools, data and maps, and publications to get them there. Coastal Resilience Grants will assist with the implementation of the guide (http://coast.noaa.gov/digitalcoast/tools/gl-resilience).

NOAA—HIGH PERFORMANCE COMPUTING

Question. The President's fiscal year 2016 budget requests an increase of $9,000,000 to begin recapitalization of the R&D High-Performance Computing (HPC) systems (i.e., Gaea) located at Oak Ridge National Laboratory in Oak Ridge, Tennessee and to establish a permanent source of funding that would allow NOAA to maintain regular refresh and recapitalization of supercomputing resources.

What is the status of NOAA's response to Appropriations Committee language requiring submission of a long-term plan to upgrade its high performance computing technology and architecture?

Answer. NOAA is currently working on a report regarding our long-terms plans on high performance computing (HPC) but will not meet the June deadline outlined in Senate Report 113–181 that accompanied Public Law 113–235 (180 days after enactment). Additional time is needed to draft and review the report due to the complexity of this topic. NOAA anticipates submitting this report toward the end of August (2015).

Question. What would be the impact if Congress did not fund the $9.0 million requested this year in terms of NOAA's ability to perform its primary missions, and the cost and research implications for the Agency of deferring the project to another fiscal year?

Answer. By 2016, NOAA's research and development (R&D) High Performance Computing (HPC) system Gaea, located at the Department of Energy's Oak Ridge National Laboratory in Tennessee, will be at the end of its useful life. Without additional requested funding, NOAA will have to fund recapitalization of the Gaea supercomputer within current resources, resulting in diminished R&D HPC capacity (approximately 50 percent of the capacity of today's system) for weather and climate modeling and research that operate on Gaea now. Reductions in R&D HPC capability will slow down mission critical scientific advancements, model development and transition of research applications into operational applications. Specific examples of the impacts to NOAA's mission include:

Loss of high-resolution modeling capability for skillful seasonal predictions of surface temperature, precipitation: Seasonal predictions of temperature and precipitation over land are in particular demand due to their importance to the agriculture, energy, transportation and marine ecosystems systems sectors for planning and decisionmaking. Skillful seasonal prediction of near-surface air temperature and pre-

cipitation over land has been achieved using a new high-resolution model running on the R&D supercomputer. Predictions with this model are being made available to global partners through the North American Mulit-Model Ensemble for Seasonal Prediction (NNME). NOAA may have to downgrade to a lower resolution, less accurate model if it has to fund the replacement.

Seasonal Forecasting of Regional Tropical Cyclone Activity: Tropical cyclones (TCs), which include hurricanes and typhoons, are a major climate hazard across the Northern Hemisphere, and have exhibited variability and change on year-to-year timescales. Understanding and predicting TC activity is central to NOAA's mission. A new high-resolution model running on the R&D supercomputer exhibits substantial skill at determining the key features of regional tropical cyclone activity. Predictions using this model are being made available to the NWS and other global partners through the NNME. Funding for the replacement HPC is needed so NOAA can continue the research that would lead to these improved capabilities to predict TCs.

COMMERCE—TRADE PROMOTION COORDINATING COMMITTEE

Question. A May 2014 GAO report found that there have been limited results from the Trade Promotion Coordinating Committee which is intended to advance Federal-State collaboration in promoting U.S. exports. The Commerce Department responded to the GAO report stating its intention to obtain comprehensive data on the overall Federal relationship with State trade promotion entities and that once this data was obtained, it would work to identify and implement strategies to enhance collaboration with State trade promotion entities.

Can you provide the subcommittee with an update on the status of this effort?

Answer. Partnering with States and regions to foster local ecosystems that support exporters of all sizes is one of five key priorities of the NEI/NEXT, which I announced in May 2014 and is the overarching policy reflected in the National Export Strategy. Since then, the Trade Promotion Coordinating Committee (TPCC) member agencies have begun working even more closely with State trade offices and entities representing them at the national level (State International Development Organizations or SIDO) to coordinate calendar year 2015 Federal-State trade promotion priorities and ensure collaboration in serving U.S. businesses. The International Trade Administration, Global Markets, U.S. and Foreign Commercial Service (US&FCS) also added to the fiscal year 2015 performance plans for its U.S. Field Network Directors an element on collaboration and planning with local partners, including States.

The International Trade Administration is actively in the process of gathering data to obtain a clearer picture of the Federal-State trade promotion relationship and a nationwide view of state resources devoted to promoting international trade.

(1) The TPCC Secretariat is coordinating with the US&FCS U.S. Field to gather the Federal perspective on current Federal-State cooperation; information on each State's trade promotion programs, e.g. staffing levels and State budgets for trade promotion; the extent to which State offices provide assistance to companies other than through referrals to US&FCS programs and services; challenges to Federal-State coordination; and the extent of State activity focused on inward investment attraction.

(2) ITA will analyze its database of reported trade promotion events to identify events in which the local US&FCS office mentioned they worked with their corresponding State office. ITA also is mining its customer satisfaction-related market segmentation and branding studies which contain information on use of alternative service providers.

(3) In addition, the TPCC Secretariat is aware that SIDO is conducting its own survey to obtain information on the level of trade promotion activity within State offices, and SIDO has indicated its intent to share that information with the TPCC member agencies. SIDO has indicated that its survey will yield information on whether State offices have industry focuses; the size of client companies; export financing options for risk mitigation; how the State offices use Department of Commerce export and inward investment promotion programs, such as trade missions, and what programs they use; the frequency of meetings with representatives of TPCC agencies; and the most common barriers that prevent companies in their State from exporting.

The TPCC plans to present preliminary findings from the ITA survey in April at the annual SIDO meeting, which is a gathering of State trade offices. We understand that SIDO also anticipates having results from its own survey, which SIDO reports usually has a 50 percent response rate, around the same time.

Following this meeting, the TPCC member agencies will use the findings from this data to draft and implement plans to further enhance collaboration with State trade promotion efforts. During this process, the TPCC Secretariat will continue to work closely with SIDO and the various State trade offices to identify opportunities for greater Federal-State trade promotion collaboration to maximize efficiencies and the impact on export promotion.

COMMERCE—PATENT PROTECTIONS

Question. American universities, along with related nonprofit research institutions, conduct over half of the basic research in the United States. Universities are allowed to license the resulting patents to the private sector for commercialization. University technology transfer provides a rich return on both public and private funding for basic research in the form of countless innovative products and services that benefit the public, create jobs, and contribute to U.S. economic competitiveness and global technological leadership.

Can you please tell the subcommittee what the Department of Commerce is doing to ensure a robust patent system that provides strong protection for inventors and supports the continued success of university technology transfer?

Answer. The United States Patent and Trademark Office (USPTO), an agency of the Department of Commerce, provides support, outreach and collaboration for universities and their technology transfer systems. The USPTO provides training at the university level to faculty and students alike to enhance the role of innovation and creativity at the university level. This outreach provides current and future scientists, engineers and business-minded people the skills to understand and utilize intellectual property (IP) in our high-tech economy. Furthermore, the USPTO collaborates with the university technology transfer offices across America to provide training on all aspects of IP. The USPTO works with the Federal national laboratories to assist in training staff on the aspects of IP and the technology transfer process as well. In addition, the USPTO frequently collaborates with the National Academy of Inventors and InventNow in reaching out and supporting university patent holders and collegiate inventors.

Some specific examples of USPTO activities include:

—An enhanced USPTO University Outreach program is underway and is providing training to colleges and universities across the country on the basics of IP and its importance as well as the resources that are available at the USPTO to assist inventors, innovators, entrepreneurs and small business owners.

—The USPTO is part of the Inter-Agency Group Working on Technology Transfer (IAGWTT) and Inter-Agency Network Enterprise Assistance Providers (INEAP), which is in the process of creating a "Technology Transfer Playbook" that outlines the best practices for the technology transfer process.

—The USPTO provides training for Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) programs. Of particular note is the relationship with the Small Business Administration (SBA) and supporting their efforts to educate grantees through the SBIR Road Tour designed to reach out to colleges and universities.

—The USPTO has a variety of resources on its USPTO.GOV Web site in the form of videos, tutorials and Web pages that explain the patent process and how to apply for a patent.

—The USPTO, in a joint effort with partnership with National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), created an on-line, Web-based IP Awareness Assessment Tool that allows an individual to answer questions about their knowledge of IP and following the completion of the assessment, the user receives customized training materials.

COMMERCE—PATENT REFORM

Question. There have been some proposals in Congress and from the While House to reform the U.S. patent system in an attempt to reign in patent litigation abuses. However, in a letter from 145 American universities, they share their concerns that some of the patent reform proposals currently being discussed go well beyond what is needed to address the bad actions of a small number of patent holders, and would instead make it more difficult and expensive for patent holders to defend their rights in good faith.

Can you please share with us what the Department of Commerce is doing to ensure that any reforms do not discourage universities and other patent holders from legitimately defending their patents?

Answer. The Department and particularly its U.S. Patent and Trademark Office are actively working within the administration, with Congress, and all stakeholders,

including the university community, to craft fair and balanced legislation to address the adverse effects of abusive patent infringement litigation and mass mailed, vague and threatening settlement demand letters. As a general matter, we are guided by the principle that any final legislation should effectively target truly abusive practices while maintaining a patent owner's legitimate right to enforce his or her patent. Further, we believe that any final legislation should take a balanced and fair approach that neither favors nor adversely affects any particular area of technology, industry or sector.

COMMERCE—REORGANIZATION

Question. The administration's budget includes a proposal to reorganize the administrative structure of several agencies and includes moving NOAA out of the Department of Commerce to the Department of Interior.

Can you provide this subcommittee your thoughts on this proposal, a justification for this proposal and what impact it may have on NOAA?

Answer. I support the President's request for the reorganization authority.

I recognize that any reorganization of our Department would impact our employees' morale and productivity and our operations.

Until the Congress grants the President this authority, we do not anticipate conducting any active planning on this specific proposal and remain focused on our current missions.

The reality is that if the Congress grants this authority, the President would consult with various stakeholders before submitting a specific proposal to Congress that reflects the best interests of each agency involved and the American people.

Right now, we are focused solely on providing the best possible services for the American people.

SUBCOMMITTEE RECESS

Senator SHELBY. The subcommittee stands in recess until Thursday, March the 5th, at 10:30 a.m., when we will take testimony of the NASA administrator, Charles Bolden.

[Whereupon, at 12:04 p.m., Thursday, February 26, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016

THURSDAY, MARCH 12, 2015

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

The subcommittee met at 10 a.m., in room SD–192, Dirksen Senate Office Building, Hon. Richard C. Shelby (chairman) presiding.

Present: Senators Shelby, Boozman, Capito, Lankford, Mikulski, Feinstein, Shaheen, Coons, Baldwin, and Murphy.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF HON. JAMES B. COMEY, DIRECTOR

OPENING STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. The subcommittee will come to order. We welcome all of you to today's open session of the Commerce, Justice, Science Subcommittee hearing on the Department of Justice fiscal year 2016 budget request for Federal law enforcement agencies.

I want to welcome first our four witnesses, Federal Bureau of Investigation (FBI) Director James Comey, U.S. Marshals Service Director (USMS) Stacia Hylton, Drug Enforcement Administration (DEA) Administrator Michele Leonhart, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Director Todd Jones. They will later each testify about their agency's 2016 budget request.

This morning, I want to begin by thanking the men and women of the FBI, the Marshals Service, the DEA, and the ATF, who work every day to protect this Nation. We are indebted to them and grateful for their service and their sacrifice.

In particular, I want to express my condolences to the family of Deputy U.S. Marshal Josie Wells, who was killed in the line of duty on Tuesday while participating in a fugitive task force in Baton Rouge, Louisiana. Deputy Marshal Wells was attached to the Marshals' Southern District Office in Mississippi and had dutifully volunteered for this recent task force.

Our thoughts and prayers are with his family, friends, and the entire Marshals Service community for their loss here.

The constantly changing landscape of criminal activity at home and abroad has challenged the Justice Department's ability to deal with emerging threats. We expect our Federal law enforcement

agencies to be more nimble and sophisticated than the criminals and terrorists they pursue.

The goal of this joint law enforcement hearing is to determine how the 2016 budget would give each law enforcement agency the tools and the capabilities needed to tackle those changing threats, whether they are cyberattacks, drug trafficking, financial fraud, or terrorism.

I believe our Federal law enforcement agencies must work together, particularly in tough budget environments, to target limited resources in a manner that safeguards taxpayers' dollars while preserving public safety.

The FBI's mission includes protecting and defending the United States against terrorism and foreign intelligence threats, fighting cybercrime, as well as tending to traditional criminal activities, such as violent crime, public corruption, and white-collar crime. In order to carry out these priorities, the FBI's 2016 budget request is $8.5 billion, which is an increase of $47 million above the 2015 enacted amount.

In the past year, we have seen terrorist threats and increased cyberattacks. I believe it is imperative that the FBI appropriately balances the bureau's diverse responsibilities while targeting the highest needs and criminal threats facing our Nation.

The Marshals Service has the honor of being America's oldest Federal law enforcement agency. The Marshals provide judicial security, apprehend fugitives, protect witnesses, and transport prisoners, among other important duties. The 2016 budget request of $2.7 billion for the Marshals Service is $100 million less than the 2015 enacted level of $2.8 billion. The funding reductions are largely isolated to the Federal Prisoner Detention account.

I want to hear how the 2016 budget request will allow the Marshals Service to continue its critical missions for the pursuit and arrest of fugitive sex offenders who are targeting our children.

The Drug Enforcement Administration's 2016 budget request totals $2.5 billion. The agency serves a central role in our society, working with domestic and international partners in enforcement of controlled substance laws and regulations of the United States.

In addition, the DEA's Diversion Control Program prevents, detects, and investigates the diversion of controlled pharmaceuticals and listed chemicals. This mission is critical with prescription drug abuse arguably being the country's fastest growing drug problem.

The Bureau of Alcohol, Tobacco, Firearms and Explosives is tasked with combating the illegal use and trafficking of firearms, the illegal use and storage of explosives, and acts of arson and bombings, among other crime-fighting roles. ATF's 2016 budget request is $1.3 billion, which is $60 million above the 2015 level.

I am interested in how the agency would use this increased funding, particularly in light of recent complaints from hunters and sportsmen who believe that ATF overstepped its authority by attempting to ban certain ammunition for recreational use.

I look forward to hearing the views and explanations of our four witnesses regarding the details of their 2016 funding request totals, and working with our subcommittee members to prioritize the necessary funding for our Federal law enforcement agencies.

Now at this point, I would like to recognize my friend and colleague, Senator Mikulski, the former chairwoman of the subcommittee.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Mr. Chairman, for this hearing today and really bringing the full complement of Federal law enforcement before the subcommittee, not only to review their budget, but so that we could first of all truly express our appreciation. And we do appreciate every single man and woman who works for the agencies represented here today, who are so much valued and so much appreciated. And they should know that.

I think we need to be able to do that in three ways. Number one, give them respect. Make sure we respect them and respect the sacrifices they do and their families do every single day while they are often away protecting us.

Number two, let's have the right resources, and let's make sure we don't do another sequester where FBI agents were digging into their pocket to pay for gasoline, and DEA agents were wondering what they could do to do their job, and while we were looking at sequester, how we go after the sexual predators while we were protecting the judges.

And, of course, for the Bureau of Alcohol, Tobacco, and Firearms (ATF), that wonderful lab in Ammendale that does this incredible forensics, not only what you are enforcing, but enabled us to identify that the terrible sniper situation we had here a few years ago came from a single gun, through the forensics that you did.

And it's that: some carry a gun, some work with a microscope, but all are on their job, and I wanted to say that.

Tomorrow, I will be at a Maryland, Montgomery County Chamber of Commerce event, in which they honor those who provide public safety, firefighters and also police officers.

The Baltimore field office, Mr. Comey, will be receiving an award for being the best public safety partner. So it is not only what you do, it is how you do it, actually engaged in the community, leveraging the assets of both the Federal Government and then State and local, where everybody is best at what they are best at and best at what they are most needed for. So we appreciate that.

Of course, we want to express our condolences over the death of Deputy Marshal Josie Wells killed in the line of fire.

And, of course, we wish our police officers in Ferguson a good recovery.

So we have a big job to do, and the way we start, with respect, I believe, with the right resources. While we are looking at the law enforcement agencies, the FBI, DEA, and ATF make up almost half of the Justice Department's budget, close to $15 billion. I think that is a bargain. I think that is a tremendous bargain for what we get in the way you are out there protecting America.

There is only a modest increase in here of $98 million, and I am concerned whether that enables you to keep on hiring the people that you need to do the job, to be able to sustain the effort with the people that you hire, and also will we be able to do the cost-of-living adjustments for the people who work with you, whether they are agents or intelligence analysts or computer analysts.

These needed increases come in the context of the President's request. Yes, we do know it is above the caps, and we will be having a robust discussion. But while there are many who are calling and pounding the table for let's lift the caps on defense, a needed debate, there is another way we need to defend America.

We need to defend America in the streets and neighborhoods of our communities, and we need to defend them from sexual predators. We need to defend them from murderers and killers. We need to defend them against the lone wolf, who could be roaming around one of our big cities or small towns.

So if you want to protect America, you not only want to lift the defense caps, you want to lift the domestic caps and have parity with that.

I want you to know, I feel very strongly about it. And when I say I didn't want to run again because I didn't want to raise money, but raise hell, this is one of the areas that I am going to raise hell about. And we are going to do it here today.

So we look forward to hearing what it is you need for those resources. We count on you to be able to do this job.

I could go through the data, which I will when we get to the questions. Two areas I hope we could also focus on, in addition to your specific mission, of course, is the heroin crisis that we hear from every Governor, including my own in Maryland.

And we look to work with our Governor. Yes, he is a Republican and, yes, I am a Democrat. But we are 100 percent Marylanders, and we are 100 percent involved in dealing with heroin.

Of course, the women of the Senate, joining with very good men, are now focusing on the issue of human trafficking, and we look forward to hearing it.

But I need to know what are the right resources for you to be best at what you are best at, and be best at what you are needed for. And we best better get our act together and make sure we support you.

I look forward to the dialogue.

Senator SHELBY. Thank you.

We will start the hearing testimony with FBI Director Comey and then go right to left. We welcome all of you. Your written testimony will be made part of the record, if you will sum up your remarks.

Director Comey, welcome again.

SUMMARY STATEMENT OF HON. JAMES B. COMEY

Mr. COMEY. Thank you, Mr. Chairman, it is good to be here. Vice Chairwoman Mikulski, Senators, thank you for this opportunity. Thank you for the opportunity to sit with three—I was going to say old friends but I don't want to criticize anyone—people who I have worked with for many years, maybe more than we would like to admit.

We all very much appreciate your expression of condolence for the Marshals Services' terrible loss. It is a reminder of the quality of the people we have, and the risk they take to protect this country. We are very grateful for that.

The FBI's 2016 budget request is about maintaining the capabilities that you have given us. It is about being good stewards of the

taxpayers' money and ensuring that we recover from the effects of sequester by filling the ranks that were so depleted over the last couple of years.

There are two enhancements requested in our budget, each for about $10 million—one relates to our cyber-capabilities, trying to build those, and the second relates to our efforts to try to integrate better in a technological way with the rest of the intelligence community.

As the members of this subcommittee know, the FBI, like my colleagues here would agree, it's all about the people. Sixty percent of our budget goes to our good folks. We have remarkable men and women who are working 24 hours a day all around this world to protect this country and its citizens.

The members of this subcommittee are very well-aware of the threats the FBI is responsible for addressing. Counterterrorism remains at the top of our list, for reasons that make good sense.

The world of terrorism has shifted just in my 18 months on this job, particularly in the growth and flourishing in ungoverned or lightly governed spaces of the progeny of al Qaeda, most prominently with ISIL, and with the use in groups like ISIL and Al-Qaeda in the Arabian Peninsula (AQAP). They use sophisticated technology and social media to spread their poison, to attract recruits to their so-called caliphate, and to try to motivate people who don't travel to do harm to innocent people in the United States.

This poses an enormous challenge to us to find the people who are responding to that siren song, to track those who are traveling, and to find those who might be motivated to radicalize and stay in place but engage in murderous behavior in the name of some misguided effort to find meaning in their lives.

So counterterrorism remains at the top of our list, for reasons that I know the American people appreciate.

As Chairman Shelby mentioned, we also have responsibility for counterintelligence. The spy game is not a thing of the 1950s or 1960s. It is alive and well, and increasingly, as with all the threats we are responsible for, manifesting on the Internet.

Cyber dominates the FBI's life. You have to be digitally literate to protect kids, to fight fraud, to fight terrorism, to protect critical infrastructure, to protect our secrets. And so we are working very hard to make sure we have the workforce, the technology, and that we are deployed in a smart way to be able to deal with the threats that come at us through the Internet, which are all the threats we are responsible for.

And we spend a tremendous amount of time working with our partners here at this table to address a variety of criminal threats: Vice Chairwoman Mikulski mentioned our efforts to protect children, we work very hard on that; to fight public corruption, as Chairman Shelby said; and a host of other efforts we do around the country.

We do them almost entirely in partnerships with Federal, State and local partners. There is literally nothing that the FBI does alone. We accomplish great good, but we do it in partnership with lots of other folks.

I wanted to close by just mentioning a couple of our capabilities that this subcommittee has supported that don't get the attention, in my view, that they deserve.

The first is our Terrorist Explosive Device Analytical Center (TEDAC) that we, together with ATF and other partners, run. It is the analysis center for improvised explosive devices used by terrorists around the world. It is a tremendous resource for this country and its allies.

In Huntsville, Alabama, we are putting together a world-class facility so that we can do with explosive devices what we have done with fingerprints, which is allow us to connect dots and save lives. I had the chance to visit the new facility there very recently. I am extremely excited about the opportunities that offers for this country and our allies to be safer.

And we are very grateful to the subcommittee for its support.

We also run the Hazardous Devices School down there, where we with partners are training the bomb techs of today and tomorrow, who are working around this country to defuse devices and to protect the American people.

Two tremendous resources that don't get much attention. I will mention one other.

In the great State of West Virginia, we have thousands of people working at our Criminal Justice Information Services Division, which is literally the frame on which hangs the law enforcement of this country. They facilitate the information-sharing. They run the fingerprint database. They run the DNA database. They run the sharing of vital information that protects law enforcement officers.

I told them when I visited them that your work to a lot of people sounds boring. It is only boring because it works so well. We take it for granted that this work will be there, so when a cop pulls somebody over and runs their name or their fingerprints, they know immediately whether that is a terrorist, a rapist, an escaped fugitive, and people are protected by virtue of that.

They are underappreciated but they are the frame on which hangs law enforcement in this country. We are hugely grateful for the support of this subcommittee of our West Virginia colleagues.

With that, I will stop and just thank you again. This subcommittee has been tremendously supportive of the FBI. We recognize it and our great folks are extraordinarily grateful for the support they've gotten from the subcommittee, and I look forward to taking your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. JAMES B. COMEY

Good morning Chairman Shelby, Vice Chairwoman Mikulski, and members of the subcommittee.

As you know, the FBI is asked to deal with a wide range of threats, crime problems, and operational challenges across the national security and law enforcement spectrum. Today, I appear before you on behalf of the men and women of the FBI who step up to these threats and challenges. I am here to express my appreciation for the support you have given them in the past and to ask your continued support in the future.

I would like to begin by providing a brief overview of the FBI's fiscal year 2016 budget request, and then follow with a short discussion of key threats and challenges that we face, both as a Nation and an organization.

FISCAL YEAR 2016 BUDGET REQUEST OVERVIEW

The fiscal year 2016 budget request proposes a total of $8.48 billion in direct budget authority to address the FBI's highest priorities. The request includes a total of $8.4 billion for Salaries and Expenses, supporting 35,037 permanent positions (13,074 Special Agents, 3,083 Intelligence Analysts, and 18,880 professional staff), and $68.9 million for Construction. Two program enhancements totaling $20 million are proposed: $10.3 million to increase cyber investigative capabilities and $9.7 million to leverage Intelligence Community Information Technology Enterprise (IC ITE) components and services within the FBI.

The fiscal year 2016 request includes the cancellation of $120 million from Criminal Justice Information Services (CJIS) excess surcharge balances and $91.4 million in non-recurred spending ($50.4 million in the Salaries and Expenses account and $41 million in the Construction account).

Overall, the fiscal year 2016 request represents a net increase of $47 million over the fiscal year 2015 enacted levels, representing an increase of $88 million for Salaries and Expenses and a decrease of $41 million for Construction.

KEY THREATS AND CHALLENGES

As a Nation and as an organization, we face a multitude of ever evolving threats from homegrown violent extremists to hostile foreign intelligence services and agents; from sophisticated cyber-based attacks to Internet facilitated sexual exploitation of children; from violent gangs and criminal organizations to public corruption and corporate fraud. Within these threats, we face growing challenges, from keeping pace with constantly changing and new technologies that make our jobs both easier and harder; to the use of the Internet and social media to facilitate illegal activities, recruit followers and encourage terrorist attacks, and to disperse information on building improvised explosive devices (IEDs) and other means to attack the United States. The breadth of these threats and challenges are as complex as 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 subcommittee in helping the FBI to do its part in facing these threats and challenges is greatly appreciated. That support has allowed us to establish strong capabilities and capacities for assessing threats, sharing intelligence, leveraging key technologies, and—in some respects, most importantly—to hiring some of the best to serve as Special Agents, Intelligence Analysts, and professional staff. We are building a workforce that possesses the skills and knowledge to deal with the complex threats and challenges we face today—and 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.

We remain focused on defending the United States against terrorism, foreign intelligence, and cyber threats; upholding and enforcing the criminal laws of the United States; protecting civil rights and civil liberties; and providing leadership and criminal justice services to Federal, State, municipal, and international agencies and partners. Our ability to carry out this demanding mission reflects the continued support and oversight provided by this subcommittee.

Countering Terrorism

Preventing terrorist attacks remains the FBI's top priority. The terrorist threat against the United States remains persistent and acute.

The threats posed by foreign fighters, including those recruited from the U.S., traveling to join the Islamic State of Iraq and the Levant (ISIL) and from homegrown violent extremists are extremely dynamic. These threats remain the biggest priorities and challenges for the FBI, the U.S. Intelligence Community, and our foreign, State, and local partners. ISIL is relentless and ruthless in its pursuits to terrorize individuals in Syria and Iraq, including Westerners. We are concerned about the possibility of individuals in the U.S. being radicalized and recruited via the Internet and social media to join ISIL in Syria and Iraq and then return to the U.S. to commit terrorist acts. ISIL's widespread reach through the Internet and social media is most concerning as the group has proven dangerously competent at employing such tools for its nefarious strategy. ISIL uses high-quality, traditional media platforms, as well as widespread social media campaigns to propagate its extremist ideology. Recently released propaganda has included various English language publications circulated via social media. We are equally concerned over the execution of U.S. citizens taken as hostages by ISIL.

As a communications tool, the Internet remains a critical node for terror groups to exploit. Recently, a group of five individuals was arrested for knowingly and willingly conspiring and attempting to provide material support and resources to des-

ignated foreign terrorist organizations active in Syria and Iraq. Much of their conspiracy was played out via the Internet. We remain concerned about recent calls to action by ISIL and its supporters on violent extremist Web forums that could potentially motivate homegrown extremists to conduct attacks here at home. Online supporters of ISIL have used various social media platforms to call for retaliation against the U.S. In one case, an Ohio-based man was arrested in January after he stated his intent to conduct an attack on the U.S. Capitol building. The individual is alleged to have used a Twitter account to post statements, videos, and other content indicating support for ISIL.

Echoing other terrorist groups, ISIL has advocated for lone wolf attacks in Western countries. A recent ISIL video specifically advocated for attacks against soldiers, law enforcement, and intelligence community personnel. Several incidents have occurred in the United States, Canada, and Europe over the last few months that indicate this "call to arms" has resonated among ISIL supporters and sympathizers.

Al Qaeda and its affiliates—especially al Qaeda in the Arabian Peninsula (AQAP)—continue to represent a top terrorist threat to the Nation and our interests overseas. AQAP's online English magazine advocates for lone wolves to conduct attacks against the U.S. homeland and Western targets. The magazine regularly encourages homegrown violent extremists to carry out small arms attacks and provides detailed "how to" instructions for constructing and deploying a successful improvised explosive device.

With our domestic and foreign partners, we are rigorously collecting and analyzing intelligence information as it pertains to the ongoing threat posed by ISIL, AQAP, and other foreign terrorist organizations. Given the global impact of the Syria and Iraq conflicts, regular engagement with our domestic and foreign partners concerning foreign fighters is critical. These partnerships are critical to performing our counterterrorism mission and ensuring a coordinated approach towards national security threats.

The FBI, along with our local, State, tribal, and Federal partners, is utilizing all investigative techniques and methods to combat the threat these terrorists may pose to the United States. We must maintain robust information sharing and close collaboration with our State, local, tribal, and Federal partners. Individuals who are affiliated with a foreign terrorist organization, inspired by a foreign terrorist organization, or who are self-radicalized are living in their communities. We recognize it is our responsibility to share information pertaining to ongoing or emerging threats immediately. Our local and State partners rely on this intelligence to conduct their investigations and maintain the safety of their communities. It is our responsibility to provide them with the information and resources to keep their communities out of harm's way. In each of the FBI's 56 field offices, Joint Terrorism Task Forces serve as a vital mechanism for information sharing among our partners. These task forces consist of more than 4,100 members—including more than 1,500 interagency personnel from more than 600 Federal, State, territorial, and tribal partner agencies. Together with our local, State, tribal, and Federal partners, we are committed to combating the threat from homegrown violent extremists and ensuring the safety of the American public.

Among the FBI's counter-terrorism capabilities is the Terrorist Explosive Device Analytical Center (TEDAC). TEDAC is a whole of government resource for the exploitation of IEDs and combating the terrorist use of explosives. TEDAC is proving to be a valuable tool supporting the military, homeland security, international partners, intelligence, and law enforcement communities by developing and sharing intelligence about terrorist explosive devices. Prior to TEDAC, no single part of our Government was responsible for analyzing and exploiting intelligence related to terrorist IEDs. TEDAC will begin occupying the first phase of its new facilities this Spring. The second phase of construction, which will include a joint partnership with the Department of Homeland Security, is expected to be completed in fiscal year 2016. The third phase of construction will provide a collaboration center that is expected to be completed in fiscal year 2017. Also, consistent with funding provided by the subcommittee this fiscal year, the FBI is expanding facilities and training at the Hazardous Devices School (HDS). This effort is just getting underway.

Countering Foreign Intelligence and Espionage

The Nation faces a continuing threat, both traditional and asymmetric, from hostile foreign intelligence agencies. Traditional espionage, career foreign agents acting as diplomats or ordinary citizens and asymmetric espionage, typically carried out by students, researchers, or businesspeople operating front companies, is prevalent. And they seek not only State and military secrets, but also commercial trade secrets, research and development, and intellectual property, as well as insider information from the Federal Government, U.S. corporations, and American universities.

Foreign intelligence services continue to employ more creative and more sophisticated methods to steal innovative technology, critical research and development data, and intellectual property, in an effort to erode America's economic leading edge. These illicit activities pose a significant threat to national security.

We also remain focused on the growing scope of the insider threat—that is, when trusted employees and contractors use their legitimate access to steal secrets for personal benefit or to benefit another company or country. This threat has been exacerbated in recent years as businesses have become more global and increasingly exposed to foreign intelligence organizations.

To combat this threat, we are working with academic and business partners to protect against economic espionage. We also work with the defense industry, academic institutions, and the general public to address the increased targeting of unclassified trade secrets across all American industries and sectors.

Cyber-based Threats

An element of virtually every national security threat and crime problem the FBI faces is cyber-based or facilitated. We face sophisticated cyber threats from state-sponsored hackers, hackers for hire, organized cyber syndicates, and terrorists. On a daily basis, cyber-based actors seek our state secrets, our trade secrets, our technology, and our ideas—things of incredible value to all of us and of great importance to the conduct of our Government business and our national security. They seek to strike our critical infrastructure and to harm our economy.

Given the scope of the cyber threat, the FBI and other intelligence, military, homeland security, and law enforcement agencies across the Government view cyber security and cyber-attacks as a top priority. Within the FBI, we are targeting high-level intrusions—the biggest and most dangerous botnets, state-sponsored hackers, and global cyber syndicates. We want to predict and prevent attacks, rather than reacting after the fact.

As the subcommittee is well aware, the frequency and impact of cyber-attacks on our Nation's private sector and government networks have increased dramatically in the past decade and are expected to continue to grow. Since fiscal year 2002, the FBI has seen an 80 percent increase in its number of computer intrusion investigations.

FBI agents, analysts, and computer scientists are using technical capabilities and traditional investigative techniques—such as sources, court-authorized electronic surveillance, physical surveillance, and forensics—to fight cyber threats. We are working side-by-side with our Federal, State, and local partners on Cyber Task Forces in each of our 56 field offices and through the National Cyber Investigative Joint Task Force (NCIJTF), which serves as a coordination, integration, and information sharing center for 19 U.S. agencies and several key international allies for cyber threat investigations. Through CyWatch, our 24-hour cyber command center, we combine the resources of the FBI and NCIJTF, allowing us to provide connectivity to Federal cyber centers, Government agencies, FBI field offices and legal attachés, and the private sector in the event of a cyber-intrusion. We have recently co-located our cyber efforts into a new FBI facility.

The FBI is engaged in a myriad of efforts to combat cyber threats, from efforts focused on threat identification and sharing inside and outside of Government, to our internal emphasis on developing and retaining new talent and changing the way we operate to evolve with the cyber threat. The fiscal year 2016 budget request includes an enhancement of $10.3 million to support these efforts.

In addition to key national security threats, the FBI and the Nation faces significant criminal threats ranging from complex white-collar fraud in the financial, healthcare, and housing sectors to transnational and regional organized criminal enterprises to violent crime and public corruption. Criminal organizations—domestic and international—and individual criminal activity represent a significant threat to our security and safety in communities across the Nation.

Public Corruption

Public corruption is the FBI's top criminal priority. The threat—which involves the corruption of local, State, and federally elected, appointed, or contracted officials—strikes at the heart of government, eroding public confidence and undermining the strength of our democracy. It impacts how well U.S. borders are secured and neighborhoods are protected, how verdicts are handed down in court, and how well public infrastructure such as schools and roads are built. The FBI is uniquely situated to address this threat, with our ability to conduct undercover operations, perform court-authorized electronic surveillance, and run complex, long-term investigations and operations. However, partnerships are critical, and we work closely with Federal, State, local, and tribal, authorities in pursuing these cases.

One key focus for us is border corruption. The U.S. Government oversees 7,000 miles of U.S. land border and 95,000 miles of shoreline. Every day, more than a million visitors enter the country through one of 327 official ports of entry along the Mexican and Canadian borders, as well as through seaports and international airports. Any corruption at the border enables a wide range of illegal activities, potentially placing the entire Nation at risk by letting drugs, arms, money, and weapons of mass destruction slip into the country, along with criminals, terrorists, and spies. Another focus concerns election crime. Although individual States have primary responsibility for conducting fair and impartial elections, the FBI becomes involved when paramount Federal interests are affected or electoral abuse occurs.

Gangs/Violent Crime

Violent crimes and gang activities exact a high toll on individuals and communities. Today's gangs are sophisticated and well organized; many use violence to control neighborhoods and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings. Gangs do not limit their illegal activities to single jurisdictions or communities. The FBI's ability to work across jurisdictional boundaries 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 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 Task Forces—focus on identifying and targeting major groups operating as criminal enterprises. Much of the Bureau's criminal intelligence is derived from partnerships with our State, local, 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.

Transnational Organized Crime

More than a decade ago, the image of organized crime was of 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 multinational, multi-billion-dollar schemes from start to finish. These criminal enterprises are flat, fluid networks with global reach. While still engaged in many of the "traditional" organized crime activities of loansharking, extortion, and murder, new criminal enterprises are targeting stock market fraud and manipulation, cyber-facilitated bank fraud and embezzlement, identity theft, trafficking of women and children, and other illegal activities. Preventing and combating transnational organized crime demands a concentrated effort by the FBI and Federal, State, local, tribal, and international partners. The FBI continues to share intelligence about criminal groups with our partners and to combine resources and expertise to gain a full understanding of each group.

Crimes Against Children

The FBI remains vigilant in its efforts to eradicate predators from our communities and to keep our children safe. Ready response teams are stationed across the country to quickly respond to abductions. Investigators bring to this issue the full array of forensic tools such as DNA, trace evidence, impression evidence, and digital forensics. Through improved communications, law enforcement also has the ability to quickly share information with partners throughout the world, and our outreach programs play an integral role in prevention.

The FBI also has several programs in place to educate both parents and children about the dangers posed by violent predators. Through our Child Abduction Rapid Deployment teams, Innocence Lost National Initiative, Innocent Images National Initiative, Office for Victim Assistance, and numerous community outreach programs, the FBI and its partners are working to keep our children safe from harm.

The FBI established the Child Sex Tourism Initiative to employ proactive strategies to identify U.S. citizens who travel overseas to engage in illicit sexual conduct with children. These strategies also include a multi-disciplinary approach through partnerships with foreign law enforcement and non-governmental organizations to provide child victims with available support services. Similarly, the FBI's Innocence Lost National Initiative serves as the model for the partnership between Federal, State, and local law enforcement in addressing child prostitution. Since its inception in fiscal year 2003, the FBI has partnered with nearly 400 law enforcement agencies from 71 child exploitation task forces throughout the country. This initiative has

been responsible for the location and recovery of more than 4,350 children. The investigations and subsequent 1,950 convictions have resulted in lengthy sentences, including 15 life terms.

KEY CROSS-CUTTING CAPABILITIES AND CAPACITIES

I would like to briefly highlight two key cross-cutting capabilities and capacities that are critical to our efforts in each of the threat and crime problems described.

Intelligence

The FBI is a national security and law enforcement organization that collects, uses, and shares intelligence in everything we do. The FBI's efforts to advance intelligence capabilities have focused on streamlining and optimizing our intelligence components while simultaneously positioning the Bureau to carry out its responsibilities as the lead domestic intelligence agency. Since 9/11, the FBI has transformed itself to become a threat-based, intelligence-informed national security and law enforcement agency. Such a transformation is a continuous journey and, while we have made substantial progress, we recognize we still have a journey ahead of us.

This past year, I asked and received the subcommittee's approval to restructure the FBI's Intelligence Program to reflect the progress we have made. I would like to extend my appreciation for your support of my request. I am confident that restructuring will allow us to take the next step towards the seamless integration of intelligence and operations. I also anticipate the restructuring will facilitate smoother and more efficient exchange of intelligence with the Intelligence Community and international partners.

The FBI cannot be content to just work what is directly in front of us. We must also be able to look beyond the horizon and understand the threats we face at home and abroad and how those threats may be connected. Towards that end, intelligence is gathered, consistent with our authorities, to help us understand and rank identified threats and to determine where there are gaps in what we know about these threats. We then try to fill those gaps and continue to learn as much as we can about the threats we are addressing and those we may need to address. We do this for national security and criminal threats, on both a national and local field office level. We then compare the national and local perspectives to develop a threat prioritization ranking for each of the FBI's 56 field offices. By creating this ranking, we strive to actively pursue our highest threats. This gives us a better assessment of what the dangers are, what's being done about them, and what we should spend time and resources on.

Operational and Information Technology

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 technology remains a key concern for the future.

For example, we recently deployed new technology for the FBI's Next Generation Identification System. This technology enables us to process fingerprint transactions much faster and with more accuracy. This year, the Biometrics Technology Center will come online. This shared facility will enhance collaboration between the FBI's Biometrics Center of Excellence and the Department of Defense's (DOD) Biometrics Fusion Center. Together, these centers will advance centralized biometric storage, analysis, and sharing with State and local law enforcement, DOD, and others. In addition, we are also integrating isolated stand-alone investigative data sets so that we can search multiple databases more efficiently, and, in turn, pass along relevant information to our partners.

The rapid pace of advances in mobile and other communication technologies continue to present a significant challenge to conducting court-ordered electronic surveillance of criminals and terrorists. These court-ordered surveillances are often critical in cyber cases where we are trying to identify those individuals responsible for attacks on networks, denial of services, and attempts to compromise protected information. However, there is a growing and dangerous gap between law enforcement's legal authority to conduct electronic surveillance, and its actual ability to conduct such surveillance. Because of this gap, law enforcement is increasingly unable to gain timely access to the information it needs to protect public safety and bring these criminals to justice. We are grateful for this subcommittee's support in funding the National Domestic Communications Assistance Center. The center enables law enforcement to share tools, train one another in modern intercept solutions, and reach out to the communications industry with one voice. It is only by

working together—within the law enforcement and intelligence communities, and with our private sector partners—that we will develop effective strategies enabling long-term solution to address this growing problem.

The fiscal year 2016 budget request includes $9.7 million for the initial installment of a multi-year information technology strategy to enhance the FBI's ability to share information with partners in the Intelligence Community using cloud computing and common desktop environments.

CONCLUSION

Being asked to respond to complex and ever-changing threats and crime problems is not new to the FBI. Our success in meeting these challenges is directly tied to the resources provided to the FBI. The resources this subcommittee provides each year are critical for the FBI's ability to address existing and emerging national security and criminal threats.

Chairman Shelby, Vice Chairwoman Mikulski, and members of the subcommittee, I would like to close by thanking you for this opportunity to discuss the FBI's budget request for fiscal year 2016 and the key threats and challenges that we are facing, both as a Nation and as an organization. We are grateful for the leadership that you and this subcommittee have provided to the FBI. We would not possess the capabilities and capacities to deal with these threats and challenges today without your support. Your willingness to invest in and support our workforce and our physical and technical infrastructure allow the men and women of the FBI to make a difference every day in communities large and small throughout our Nation and in locations around the world. We thank you for that support.

I look forward to answering any questions you may have.

Senator SHELBY. Thank you.

Ms. Hylton.

UNITED STATES MARSHALS SERVICE

STATEMENT OF HON. STACIA A. HYLTON, DIRECTOR

Ms. HYLTON. Thank you, Mr. Chairman. Good morning, everyone.

I want to start by thanking for your recognition of Deputy Josie Wells, who we lost this past Tuesday. He was, without a doubt, one of our finest. He was a young man committed to our fugitive investigation operations. He was a young man who worked to make our community safer. His loss is really unbearable to all of us, but, more importantly, as you can imagine, to his family.

Deputy Wells came from a long line of law enforcement. His father is a law enforcement retired officer from the State of Mississippi, and his two brothers currently serve within local communities as police officers.

We will stand with them and we will support them as we bid farewell to Josie this weekend, as we recognize yet another fallen U.S. Marshals Service hero.

Our total request for nearly $2.7 billion includes $1.2 billion for Salaries and Expenses, and $1.5 billion for Detention, and $15 million for Construction in Federal courthouses nationwide.

The agency's many accomplishments over the years, as we celebrate our 225th anniversary this year, would not have been possible without your support, from this subcommittee, in particular. In recent years, you have acknowledged and provided resources for us to safely guard the Nation's Federal prison inmates and detention populations, and you recognized the importance of those resources.

Over the past year, we had worked carefully to assess the agency's spending and, where necessary, made improvements and reduced costs.

The U.S. Marshals Service has also benefited from this subcommittee's decision to restore our resources in 2014 on Salaries and Expenses. This allowed us to fill 200 vacancies of Deputy U.S. Marshals, and I thank you for that support.

I can assure you that we take our fiduciary responsibilities very seriously. We have worked diligently within the Department of Justice, Office of Management and Budget, and, certainly with your staffs, so we could submit a reasonable and modest budget that is mindful of our country's financial situation.

In doing so, we have worked proactively to creatively address our shortfalls using existing resources to ensure officer safety.

Aside from retaining a small carryover from the detention balance, the U.S. Marshals Service worked to ensure a significant amount of those detention resources are made available to the administration and Congress for other purposes. It is my ongoing focus to ensure that we are as efficient and effective as we can within the dollars that are given to us.

Our priority is to take transformational steps into making the Marshals Service a data-driven agency that uses data to drive strategic and tactical business decisions. Ultimately, this is helping us present a performance-based budget to showcase how we are managing our resources appropriated from Congress.

The 2016 budget that you have in front of you provides necessary resources to maintain and enhance the critical USMS functions that you have spoken about today: arresting the violent fugitives, protecting our children, and reducing crime in our communities.

Ensuring safeguards for protective operations for the Federal Judiciary is still a paramount concern for the Marshals Service, as we see more violence on our Federal courthouses and our Federal Judiciary.

We saw it in Wheeling, West Virginia. We saw it most recently on a judge's home in Florida who was shot in the middle of the night, the judge just barely escaping injury to himself and his family.

The violence is happening in the courthouses, the shooting in Utah. You have seen them play across the media, and you can see the violent criminals that are introduced into the Federal court system nowadays pose a great risk to our judiciary.

The 2016 budget maintains these missions as well as increases our enforcement efforts for law enforcement, as we provide safety to our officers, as we try to work and ensure that we can meet the requirements under the Adam Walsh Child Protection and Safety Act.

The National Center for Missing and Exploited Children estimates over 769,000 sex offenders live in the United States, of which I am proud to say that we apprehended close to 12,000 annually, brought them into compliance, because over 100,000 of those 769,000 are not in compliance with the registry requirements.

Officer safety will always remain as my top priority in this agency, as we have lost too many. And every effort is made to ensure that personnel are adequately trained and equipped.

Annually, our deputies along with our partners here at the table, my colleagues, as Director Comey stated earlier, work collectively together. We, the Marshals Service, apprehend and clear warrants of more than 105,000 violent fugitives a year. Deputy Marshals risk their lives everyday investigating, apprehending, and pursuing those who flee from justice, that are wanted.

Accordingly, therefore, we are requesting $1.5 million for law enforcement safety training, so we may keep that effort.

The subcommittee has recognized the urgent need to contain proliferation of gangs across our country. Criminal gang activity has a severe impact across law enforcement because of the rising prevalence and high level of violence. Gangs are no longer isolated to motorcycle gangs and violent urban street gangs. They now exist across the country, in urban, suburban, and rural communities—socially and economically depressed communities. Nearly 1 million members are criminally active in the United States. This is something that we all want to address.

Our 2016 budget request has an increase of $5.2 million for a total of $15 million for Federal courthouses, as I spoke earlier of

the situations that we face, to ensure that we can mitigate security risks to the public that attend those courthouses and the judiciary.

Mr. Chairman, Ranking Member Mikulski, and members of the subcommittee, I do request your support to fully fund the 2016 budget request in order to support the men and women of the United States Marshals Service, that you recognized earlier, to carry out the protection and enforcement efforts of our judicial process. We have proven ourselves as a valuable asset to our communities, ensuring public safety and protecting our children.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. STACIA A. HYLTON

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee:

Good morning and thank you for the opportunity to testify on behalf of the President's fiscal year 2016 budget request for the United States Marshals Service (USMS or Agency). Our total request for nearly $2.7 billion includes $1.2 billion for Salaries and Expenses; $1.5 billion for Detention; and $15 million for Construction.

This year the USMS is proud to celebrate its 225th anniversary. For over two centuries, the USMS has succeeded in protecting America's citizens, upholding the Nation's Constitution, and anticipating the challenges that lie ahead. The Agency's many accomplishments over the years would not have been possible without the support from this subcommittee, so thank you. Likewise, the Agency's continued success will depend on our ability to provide the appropriate resources to support the judicial process. Incidents such as the shooting outside the Wheeling, West Virginia Federal courthouse on October 9, 2013, remind us that the USMS must always be vigilant in protecting members of the Federal judiciary. Thomas Piccard was armed with an assault rifle and a Glock 9mm handgun when he fired 23 rounds at the Federal courthouse. Deputy Marshals, USMS court security officers (CSO) and local police responded and returned fire. Piccard was later pronounced dead at a local hospital. In the exchange, two of the CSOs suffered non-life threatening wounds. No one inside the building was injured during the incident.

In recent years, this subcommittee has also acknowledged the need for additional resources to safely guard the Nation's Federal prison inmate and detention populations. While detention falls under "discretionary" resources, you recognized that there is nothing discretionary in a judicial order to detain an individual before trial. Over the past year we have worked to carefully assess agency spending and, where necessary, make improvements to reduce costs.

The USMS has also benefited from this subcommittee's decision to restore resources to the Agency's Salaries and Expenses appropriation. As a result, we were able to re-ignite our hiring process starting in fiscal year 2014 and will add nearly 200 new Deputies by the end of fiscal year 2015. This will allow us to keep pace with retirements and attrition. Lifting the hiring freeze has also enabled us to hire additional business professionals, including much needed administrative officers, financial analysts, and contract specialists.

The USMS remains committed to its many diverse mission areas, including work with Federal, State, and local law enforcement partners to reduce violent crime in our neighborhoods. This includes arresting gang members and sexual predators who perpetrate some of the most egregious crimes against society. Thank you for acknowledging our work alongside our Department of Justice (DOJ) colleagues at the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Bureau of Prisons; and U.S. Attorneys' Offices.

I can assure you that as a DOJ component, the USMS takes its fiduciary responsibilities very seriously. We have worked diligently with DOJ and the Office of Management and Budget (OMB) to present a reasonable budget that is mindful of the country's financial situation. We also work proactively and creatively to address shortfalls using existing resources. For example, with the subcommittee's support, we reprogrammed $52 million from the Detention account over the last two fiscal years to avoid furloughing employees in several DOJ components, including the USMS. Aside from a small carryover balance equivalent to one week's worth of prisoner housing, the USMS has worked to ensure that Detention resources were made available to the administration and Congress for other purposes.

It is my ongoing focus and priority to take transformational steps that are making the USMS a data-driven Agency that uses data to drive strategic and tactical business decisions. Ultimately, this is helping us present a performance-based budget to showcase how we are managing the resources appropriated by this subcommittee.

FISCAL YEAR 2016 PROGRAM INCREASES

The fiscal year 2016 budget request provides the necessary resources to maintain and enhance core USMS functions. The USMS safeguards the Federal judicial process by: protecting Federal judges, prosecutors, and court personnel; providing physical security in courthouses; protecting witnesses; transporting and producing prisoners for trial; executing court orders and arrest warrants; apprehending fugitives; and managing and disposing seized property. The fiscal year 2016 request supports these missions by maintaining funding for core activities, as well as increasing funding to enforce the Adam Walsh Child Protection and Safety Act, establish annual Law Enforcement Safety Training, and renovate courthouses to remediate security deficiencies.

ADAM WALSH CHILD PROTECTION AND SAFETY ACT ENFORCEMENT

The USMS requests $4.7 million for non-personnel costs associated with training, operations, and licensing fees to enhance the Agency's current level of sex offender enforcement. The National Center for Missing and Exploited Children estimates that there are approximately 769,000 sex offenders living in the United States. Approximately 100,000 of those offenders are non-compliant with their requirement to register. In fiscal year 2014, the USMS arrested 4,470 failure-to-register/noncompliant sex offender fugitives.

One case in particular highlights the depravity associated with this type of criminal element. In September 2013, the USMS arrested Clyde Hall, Jr., a career sex offender who was on the USMS' list of "15 Most Wanted" fugitives. Wanted for violating conditions of release and failure to register as a sex offender, Mr. Hall had been on the run since March 2012 and was the first person added to the USMS "15 Most Wanted" list for violating the Adam Walsh Child Protection and Safety Act. He had a violent and abusive criminal history dating back to 1985, with prior convictions for assault and multiple sex offenses. He admitted to sexually abusing two 10-year-old girls and raping two adult women. Mr. Hall was also diagnosed as a sociopathic career sex offender, prompting the State of New York to label him a Tier III sex offender—New York's most dangerous sex offender classification. By coordinating investigative efforts through the USMS Sex Offender Investigations Branch and the National Sex Offender Targeting Center, the USMS apprehended Mr. Hall on the street in Portland, Maine without incident. His arrest is a prime example of USMS efforts to ensure the safety of innocent children, and law-abiding citizens.

LAW ENFORCEMENT SAFETY TRAINING

Officer safety training is one of the highest priorities for the USMS and every effort is made to ensure that personnel are adequately trained and equipped. In fiscal year 2014, Deputy Marshals, working alongside Federal, State, and local partners apprehended or cleared warrants on more than 105,000 Federal and State fugitives. Deputy Marshals risk their lives every day investigating and apprehending the most violent fugitives in the Nation and around the world. Accordingly, we are requesting $1.5 million for Law Enforcement Safety Training.

Following the deaths of two Deputy Marshals and seven task force officers in fiscal year 2011, the USMS established the Law Enforcement Safety Training program to specifically address high-risk fugitive apprehension. The Agency developed an intensive and comprehensive curriculum in advanced tactics, operational planning, communications, and trauma medicine. To date, the USMS has trained over 1,000 Deputy Marshals across the country under this program.

While we have trained many, we need to train all. We are seeking to hold a minimum of 12 regional courses a year, which would allow us to train all 4,500 Deputy Marshals on staff. I cannot tell you how many times Deputy Marshals have expressed their gratitude for the high quality training that has been provided.

It is important to continue the momentum and provide safety training to all Deputy Marshals. One case highlights the dangers faced by law enforcement every day and reminds us that we must consistently train our personnel to increase our tactical advantage. On September 12, 2014, a sniper opened fire at a Pennsylvania State Police barracks, murdering Trooper Bryon Dickson II and critically injuring Trooper Alex Douglass. The ensuing police manhunt for the suspect, Eric Frein, included 400 Federal, State, and local law enforcement officers from Pennsylvania, New York, and New Jersey. This case had the potential for extreme violence given

that Frein was an accomplished survivalist, outdoorsman, and marksman. Forty-eight days later, on October 30, 2014, the USMS captured Mr. Frein in an open field without incident.

GANG ENFORCEMENT

This subcommittee has recognized the urgent need to contain the proliferation of gangs. Criminal gang activity has a severe impact across law enforcement because of its rising prevalence and high level of violence. Gangs are no longer isolated to motorcycle groups and violent urban street gangs. They now exist across the country in urban, suburban, and rural communities, with nearly one million members who are criminally active in the United States.

As the leader in apprehending the worst of the worst criminals, the USMS arrests approximately 300 fugitives per day. Between August 2010 and September 2014, the USMS conducted Operation Triple Beam, a nationwide gang enforcement initiative in 22 cities, which resulted in more than 4,200 arrests, the seizure of more than $3 million in narcotics, $1 million in U.S. currency, and over 900 illegal firearms.

Another example of USMS' efforts to combat gangs occurred last October 2014, when the USMS Gulf Coast Regional Fugitive Task Force arrested Christopher Green, a violent Crips street gang member in Greenville, Mississippi. He had outstanding violent felony arrest warrants for homicides in both the Greenville Police Department and the Las Vegas Metro Police Department. Although Green was a member of the Crips street gang in Pomona, California, he traveled around the country as their hit man. Cultivating critical information from confidential sources and using surveillance techniques, Deputy Marshals executed the arrest warrants and captured Green outside his residence without incident. The USMS will continue to vigorously pursue and arrest all violent felony fugitives, including gang members who threaten our communities.

COURTHOUSE RENOVATION

The fiscal year 2016 budget requests an increase of $5.2 million for a total of $15 million to renovate courthouses and court facilities with the most severe security deficiencies. The USMS occupies space in over 400 courthouse facilities. This space includes vehicle sally ports, cellblocks, prisoner interview rooms, secure corridors, prisoner elevators, and holding cells adjacent to the courtrooms. Construction projects are prioritized to address immediate life and safety issues first. The USMS supports the requested funding level and appreciates the incremental approach to this funding need.

DETENTION

The fiscal year 2016 budget requests a total of $1.5 billion to support the Federal Prisoner Detention (FPD) Program. This request includes base restoration of $1.1 billion. As part of the fiscal year 2015 appropriated budget, FPD's base was reduced by $1.1 billion and the same amount was reprogrammed from the Asset Forfeiture Fund. Additionally, as part of the fiscal year 2016 request, $69.5 million of the carryover projected to be earned during fiscal year 2015 is targeted for rescission.

The requested funding will support an average daily detention population (ADP) of 56,823 given a projected average per diem rate of $80.60. The projected population reflects an 8 percent decrease from the peak average annual detention population of 61,721 attained during fiscal year 2011. The reduction in the number of prisoners received by the USMS during fiscal year 2014 was unprecedented after an increase the previous 20 years. The decrease in the ADP is attributable to several factors, including systemic efficiencies that have reduced the amount of time prisoners are housed by the USMS. Reductions in detention time are the result of continued fast-tracking of prosecutions—primarily for immigration offenses along the southwest border—and expedited transfers of sentenced prisoners to the Bureau of Prisons.

At this time, the USMS expects that the number of prisoners received into our custody will increase in fiscal year 2015 and fiscal year 2016 resulting in a modest increase in the ADP. The USMS will continue to keep the subcommittee apprised of any changes.

ADJUSTMENTS TO BASE

The base adjustments reflect an increase for pay and benefits, the relocation of USMS Headquarters, operations and maintenance for legacy radio equipment, and Department of State charges for overseas staff. I would like to thank the Senate Committee on Environment and Public Works for its support in allowing us to move

to a new Headquarters facility just two blocks from our current location. The move will reduce USMS' footprint by 41,000 square feet, or 10 percent, and save $9 million in rent annually for a total of $145 million in savings over the 15-year lease.

CONCLUSION

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, on behalf of the men and women of the United States Marshals Service, thank you for your ongoing support of the Agency's programs. I am committed to ensuring that we are efficient stewards of the resources you have entrusted to us. I look forward to working with you to ensure we meet critical safety and security needs protecting the judicial family and process, securing Federal courthouses, protecting witnesses, transporting and producing prisoners, executing court orders, apprehending fugitives, and managing seized property.

Senator SHELBY. Ms. Leonhart.

DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF HON. MICHELE M. LEONHART, ADMINISTRATOR

Ms. LEONHART. Good morning, Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee.

I want to start by thanking Ranking Member Mikulski for her many years of leadership and dedicated service to our country. You have been a trailblazer for women in the Senate, and I am especially thankful for your support of the DEA museum traveling exhibit that went to the Maryland Science Center in Baltimore last year.

Over 350,000 people visited the exhibit during the 7-month run, and they learned not just about law enforcement but also the science behind drugs, addiction, and recovery.

DEA is in mourning this morning after hearing the news of Deputy Josie Wells, and we offer all our assistance to Director Hylton.

The support of this subcommittee has led to the arrest of many violent drug traffickers. This is exemplified by the recent arrests of Servando Gomez-Martinez, also known as "La Tuta," and Omar Trevino Morales. These arrests are another win for Mexico in the fight against brutal criminal cartels like the Knights Templar and Los Zetas, and these arrests, along with last year's capture of Joaquin "El Chapo" Guzman, signal major steps forward in our shared fight against drug trafficking and violence.

Since the Department of Justice began coordinated efforts targeting the most wanted drug traffickers, known as Consolidated Priority Organization Targets (CPOTs), back in 2003, there have been 183 identified around the world. Cumulatively, over three-quarters have been indicted in the United States, over half have been arrested here or abroad, and one-third have been extradited to the United States to face justice.

In fiscal year 2014 alone, we saw several successes against CPOTs, including seven who were extradited to the United States, one surrendered to the United States authorities, and six more who were arrested and are in custody outside of the United States.

Historically, the image of organized crime in the United States was of hierarchal organizations, exerting influence over criminal activities at the local levels with cells of loosely affiliated groups. That still remains true today. However, these organizations now have direct connections to Mexican drug trafficking organizations to distribute heroin, methamphetamine, cocaine, marijuana, and other drugs throughout the country.

This is the new face of organized crime. The violence perpetrated by these groups harms communities across the United States. And DEA is uniquely positioned to target and dismantle the local distribution cells and the international drug trafficking organizations with whom they conspire.

Of notable concern is the alarming level of heroin use and abuse in this country and increases in heroin-related deaths. After years of declining use, the availability and abuse of heroin is now increasing, especially among younger Americans. This is due in part to the increased production of heroin in Mexico, even as Colombian production has declined.

In 2013, 8,257 people died of a heroin overdose, nearly tripling since 2010.

A contributing factor to increasing demand for heroin is prescription opioid abuse. Prescription drug abuse is a nationwide epidemic. Overall, 43,982 people have died of a drug overdose in the United States since 2003, more than half of which involved prescription drugs.

These deaths represent not just a statistic, but they are our family members, our friends, our neighbors, and our colleagues.

If we look at the operational successes we are having today, coupled with the decline in overall drug use, there is reason for optimism. Since its high point in 1979, the overall rate of illicit drug use in America has dropped by over 30 percent.

By taking harmful drugs off the street, dismantling major drug organizations, and seizing their profits, we are making our Nation a safer place to live and to do business, and the support of this subcommittee is critical to our success.

So I look forward to working with you, and will be happy to answer any of your questions. Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. MICHELE M. LEONHART

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee:

Good morning, and thank you for inviting me to testify on behalf of the Drug Enforcement Administration (DEA) regarding the President's fiscal year 2016 budget request. DEA is an organization of more than 9,000 employees dedicated to the vital mission of disrupting and dismantling those drug trafficking organizations posing the greatest threat to the United States. I would like to express our collective appreciation for the support that this subcommittee has shown to us over the years. Furthermore, I welcome the opportunity to continue our partnership and to share with you DEA's recent accomplishments and our future plans to help secure our Nation and protect our citizens.

DEA is the Federal law enforcement leader in combating complex and sophisticated drug trafficking and transnational criminal organizations worldwide. As an example, DEA investigations conducted in partnership with Federal, State, local, and international counterparts have contributed to the arrest of major international criminals. The recent arrests of Servando Gomez-Martinez, a.k.a. "La Tuta" and Omar Trevino Morales are another win for Mexico in the fight against brutal criminal cartels. The arrests strike at the heart of the leadership structure of the Knights Templar and the Zetas and serve as yet another warning that no criminal is immune from arrest and prosecution. Their capture, along with last year's capture of Joaquin "El Chapo" Guzman Loera, the leader of the violent Sinaloa Cartel, signal major steps forward in our shared fight against drug trafficking and violence.

Whether countering the threat posed by drug cartels in Mexico; drug financiers and facilitators in Europe; transshipment and distribution coordinators based in west Africa; insurgency groups operating in southwest Asia; or domestic distribution cells operating in cities across the United States; DEA works to build relationships with our law enforcement partners to develop strategies, analyze intelligence, and execute successful counternarcotics programs to bring violators to justice and protect the American people.

We also appreciate Congress' efforts to protect the public from the dangers of designer synthetic drugs. These drugs are one of the most rapidly evolving challenges we face. In response to this growing threat, DEA has coordinated a series of law enforcement actions designed to disrupt the international production and domestic

distribution of synthetic designer drugs. This past May, the second phase of Project Synergy, which involved more than 45 DEA offices, resulted in the serving of nearly 200 search warrants, arrest of more than 150 individuals, and seizure of hundreds of thousands of individually packaged, ready-to-sell synthetic drugs by Federal, State, and local law enforcement authorities, as well as hundreds of kilograms of raw synthetic products to make thousands more, along with more than $20 million in cash and assets. In addition to targeting retailers, wholesalers, and manufacturers, many of these investigations continued to uncover the massive flow of drug-related proceeds to countries in the Middle East, including Yemen, Jordan, Syria, Lebanon, and others.

DEA targets the world's biggest, most powerful and "Most Wanted" drug traffickers, designated as Consolidated Priority Organization Targets (CPOTs), as well as other Priority Target Organizations (PTOs). These designations are given to drug trafficking organizations with an identified hierarchy engaged in the highest levels of drug trafficking and drug money laundering with significant international, national, regional, or local impact. There have been 183 CPOTs identified since the Department of Justice started tracking them in fiscal year 2003. Cumulatively, 140 (77 percent) have been indicted in the United States, 107 (58 percent) have been arrested here and abroad, and 61 (33 percent) have been extradited to the United States to face justice. fiscal year 2014 saw several successes against CPOTs—including seven who were extradited to the United States; one who surrendered to United States authorities; and six more who were arrested and are in custody outside of the United States.

The most significant drug trafficking organizations today are the dangerous and highly sophisticated Mexican Transnational Criminal Organizations (TCOs) that perpetrate violence along the Southwest Border. Mexican TCOs continue to be the principal suppliers of heroin, methamphetamine, cocaine, and marijuana to the United States. Domestically, distribution cells have become an increasing threat to the safety and security of our communities by forging alliances with Mexican TCOs.

Historically, the image of organized crime in the United States has been hierarchical organizations exerting influence over criminal activities at the local level with gangs of loosely affiliated groups exerting influence over criminal activities in neighborhoods, cities, or States. This remains true today; however, many of these organizations now have direct connections to Mexican TCOs to distribute heroin and other drugs throughout the country. In particular, the majority of the methamphetamine in the United States is produced in Mexico and much of it is distributed as a result of these affiliations. It is a symbiotic criminal relationship—the Mexican TCOs have the transportation infrastructure in place to deliver the drugs to domestic distribution cells which have established and tested distribution networks. This is the new face of organized crime.

The threat of these organizations is magnified by the high level of violence associated with their attempts to control and expand drug distribution operations. They often engage in armed home invasions of rival drug storage locations to steal drugs or money with innocent and hardworking citizens caught in the crossfire. The crime and violence perpetrated by these groups harm communities across the United States. DEA is uniquely positioned to target and dismantle the local distribution cells and the international drug trafficking organizations with whom they conspire.

In addition, the distribution cells and the Mexican and South American traffickers who supply them are the main sources of heroin in the United States today. Heroin use in this country has reached alarming levels and many localities are reporting increases in heroin related deaths. A contributing factor to increasing demand for heroin is prescription opioid abuse. Prescription drug abuse is the Nation's fastest-growing drug problem. Recently, the Centers for Disease Control and Prevention reported that 43,982 people died of a drug overdose in the United States in 2013, the most recent year for which information is available. Nearly 52 percent of those drug overdose deaths (22,767) involved prescription drugs. Of those deaths, 71 percent (16,235) involved an opioid analgesic, also known as prescription painkillers. The report also reflected significant increases in heroin related deaths—8,257 people died of a heroin overdose in 2013, nearly tripling since 2010. These deaths represent not just a statistic, but our family members, friends, neighbors, and colleagues.

The annual economic cost of nonmedical use of prescription opioids in the United States was estimated at more than $55 billion in 2007. The number of drug overdose deaths, particularly from controlled prescription drugs, has grown significantly in the past decade and in 2012 surpassed motor vehicle crashes as the leading cause of injury death in the United States. The Drug Enforcement Administration remains committed to preventing, detecting, and deterring the diversion of pharmaceutical controlled substances that supply drug addiction and abuse.

DEA's Diversion Control Program is using all criminal and regulatory tools possible to identify, target, disrupt, and dismantle individuals and organizations responsible for the illicit manufacture and distribution of pharmaceutical controlled substances in violation of the CSA. The deployment of Tactical Diversion Squads (TDS) is DEA's primary method of criminal law enforcement in the Diversion Control Program. The recent expansion of the TDS program has resulted in 66 operational TDSs throughout the United States, covering 41 States, Puerto Rico, and the District of Columbia. These TDSs incorporate the enforcement, investigative, and regulatory skill sets of DEA Special Agents, Diversion Investigators, other Federal law enforcement, and State and local Task Force Officers. The expansion of the TDS groups has enabled the Diversion Groups to concentrate on the regulatory aspects of the Diversion Control Program.

FISCAL YEAR 2016 BUDGET REQUEST

The fiscal year 2016 President's Budget request will provide DEA with the resources needed to build upon our successes and to continue to address these emerging threats. The budget requests $2.092 billion for the DEA's Salaries and Expenses Account, an increase of 2.9 percent over fiscal year 2015. In fiscal year 2016, DEA expects to face an estimated $49.8 million in increased costs to maintain current operations. In addition, the budget requests $371.5 million for the Diversion Control Fee Account (DCFA), which is necessary to cover the cost of operating DEA's Diversion Control Program. The amount requested represents a $31.7 million increase over DEA's fiscal year 2015 funded operations, primarily due to the restoration of fiscal year 2015 sequestration in fiscal year 2016. These resources will allow DEA to continue targeting significant drug trafficking organizations, consistent with the Department of Justice's Smart on Crime Initiative.

In addition, DEA is requesting enhancements in the areas of International Drug Enforcement Priorities ($12.0M); De-confliction and Information Sharing ($7.4M); and National Security ($4.5M). The requested enhancements provide DEA with the tools necessary to lead and assist our Federal, State, local and international partners in targeting the most significant drug trafficking organizations.

Let me summarize the DEA efforts that will be supported with this enhanced funding.

INTERNATIONAL DRUG ENFORCEMENT

Transnational Criminal Organizations are a growing threat to U.S. national security. Their operations fuel corruption, destabilize governments, and undermine the rule of law, and are overwhelmingly funded by profits from drug trafficking. Over the last 40 years, DEA has developed effective programs for combating these organizations and has seen significant results.

While we continue to target Mexican and South American TCOs in the traditional drug trafficking corridors, we are increasingly seeing them expand their footprint in Africa, which affects the U.S. both directly and indirectly. Africa is a key storage and transshipment location for South American cocaine destined for distribution in Europe and elsewhere. These organizations are partnering with local criminal groups for logistical support and using drug-related profits to further their illegal activities in the U.S., Africa and Europe. DEA's experience shows that in order to address the threat posed to the U.S. by these TCOs, long-term success will depend upon the successful implementation and continued development of programs that bolster the law enforcement capacities and capabilities of our host nation counterparts worldwide. The fiscal year 2016 President's budget supports two of these critical international programs: Sensitive Investigative Units and Bilateral Investigations Units.

Sensitive Investigative Units

Funds requested for International Drug Enforcement Priorities will be used to support and expand a key element of DEA's international efforts: the Sensitive Investigative Unit (SIU) program. DEA's SIU program helps build effective and vetted host nation units capable of conducting complex investigations targeting major drug trafficking organizations. DEA currently mentors and supports 13 SIUs, which are staffed by over 800 foreign counterparts. The success of this program has unquestionably enhanced DEA's ability to fight drug trafficking on a global scale. To maintain this operational momentum, $8.1 million is needed to sustain and further develop the capacity and capabilities of existing SIUs. This funding will support training, vetting, program coordination, judicial wire intercept systems and other IT-related requirements.

Bilateral Investigations Units

Bilateral Investigations Units (BIUs) are one of DEA's most important tools for targeting, disrupting, and dismantling significant TCOs. The BIUs use extraterritorial authorities to infiltrate, indict, arrest, and convict previously "untouchable" TCO leaders involved in drug trafficking. The fiscal year 2016 President's budget proposes enhancing the operational funding for BIUs by $3.9 million and expanding their capabilities by establishing a BIU Financial Investigative Team (FIT). The BIU–FIT will focus on the investigating the financial aspects of these organizations. The proposed increase will allow DEA to continue to build on the success we have had in targeting, disrupting, and dismantling TCOs as well as denying TCOs revenue from illicit drug proceeds before they can be used to fund other criminal activities.

DE-CONFLICTION AND INFORMATION SHARING

De-Confliction Systems

The President's fiscal year 2016 budget requests $1.5 million which will allow DEA to better leverage our expertise in de-confliction and information sharing to promote increased cooperation between our Federal, State, and local law enforcement partners. Enhancements will allow DEA to increase its capability to coordinate many of the Department's violent crime and international organized crime investigations. These systems are such an integral component of the Department of Justice's (DOJ) de-confliction efforts that in May 2014, the Deputy Attorney General specifically directed all DOJ law enforcement components to use DEA's systems to de-conflict ongoing investigations.

El Paso Intelligence Center

The El Paso Intelligence Center (EPIC) offers tactical, operational, and strategic intelligence support to Federal, State, local, tribal, and international law enforcement agencies and provides de-confliction services, leveraging databases from both internal and external stakeholders. EPIC has relationships with law enforcement agencies in all 50 States and partner organizations in the international law enforcement community. Included in the President's budget request is an additional $5.9 million to increase the capabilities of EPIC's information systems, including funds to upgrade the existing IT system to a more robust system portal; enhance analytical capabilities; and support updates to vital technology equipment and compliance with security requirements.

NATIONAL SECURITY

DEA ensures that national security information obtained during the execution of our worldwide drug law enforcement mission is expeditiously shared with both the national security and intelligence communities. DEA's Office of National Security Intelligence (ONSI) shares more than 5,000 reports a year that contain information on topics of national security interest. The fiscal year 2016 President's budget requests funding to support the Defensive Counterintelligence Program (DCI–P), which serves as a central coordination point for all DEA DCI–P matters, including personnel reliability; physical security; safeguarding of both intelligence and law enforcement sensitive sources and methods; and general security and counterintelligence threat awareness and threat detection. In addition, the fiscal year 2016 President's budget requests resources for additional reports writers, ensuring that DEA will continue to meet its statutory responsibility to share national security-related information, and for other national security activities.

CONCLUSION

DEA's enforcement efforts have contributed significantly to the overall strategy to reduce the availability of drugs in the United States. According to an analysis by the Substance Abuse and Mental Health Services Administration, illicit drug use rates are lower by approximately one-third compared to 30 years ago. Since 2006, we have seen important decreases in the number of past month users, aged 12 and older of cocaine (from 1.0 percent to 0.6 percent, or roughly a million fewer persons). Statistics like these demonstrate that through a balanced drug control strategy, one that includes strong enforcement, education, prevention, and treatment components, we can make significant progress in protecting our Nation from drug abuse and its consequences.

DEA's unique, single mission focus gives us the ability to focus resources on disrupting and dismantling the world's "Most Wanted" drug traffickers that have the most significant impact on the U.S. drug market. With your support and the back-

ing of the American people we will continue our efforts to address these challenges. I would be pleased to answer any questions you may have.

Senator SHELBY. Mr. Jones.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

STATEMENT OF HON. B. TODD JONES, DIRECTOR

Mr. JONES. Good morning, Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee.

Thank you for the opportunity to appear before you today with my colleagues. This is a great team that I am privileged to work with within the Department of Justice. And I think, together, we are moving forward to enhance public safety around the country on behalf of the citizens that we serve.

I am also pleased to be here to discuss the President's fiscal year 2016 budget request for ATF.

ATF's principal mission is to protect our communities from violent criminals who illegally possess and use firearms, use explosives for illicit purposes, and engage in deadly acts of arson. We accomplish our mission through partnerships and through the enforcement of the criminal law and regulations of the firearms and explosives industry.

This makes us somewhat unique among U.S. law enforcement, and we have a long history of maintaining working relationships, not only with our Federal partners, but with our State and local partners. And we put a premium on those partnerships.

The public safety agencies, the industry groups, and the community organizations that we work with are vital to us being able to accomplish our mission. When serious violent crime happens at communities across the country, ATF is there working side by side with our partners.

In the past 3 years alone, ATF has been at the frontline against crime, helping our partners investigate the Boston Marathon bombing, the horrific mass shootings in Aurora, Colorado, and Newtown, Connecticut, and the Washington Navy Yard, as well as assisting in thousands of other investigations that have simply not made the national news.

ATF's work with its partners is producing tangible results in communities across the country. But our discussion today, I hope, leads to some help for you all in sustaining the results that we have accomplished in various places around the country.

For example, we recently completed an enhanced enforcement operation and initiative in New Haven and Bridgeport, Connecticut, and in Chicago, Illinois. And in both circumstances, we have made an impact working with our State and local colleagues on diminishing and lowering violent crime in those communities.

We accomplished this not only through manpower and strong partnerships, but by also leveraging our technology resources, such as NIBIN, the National Integrated Ballistics Information Network. This technology compares high-resolution images of cartridge cases, and the Senator alluded to it earlier, recovered from multiple crime

scenes, and compares and contrasts in our follow-the-gun strategy to identify the worst of the worst offenders in communities.

This technology has been integrated with eTrace, and we are, in certain communities around the country, test-driving crime gun intelligence centers. That is showing very promising results.

ATF's contributions to public safety extend beyond these operational successes, though. As Director Comey mentioned, TEDAC is in Huntsville. We also have our National Center for Explosives Training and Research there, established through the support of the chairman and members of this subcommittee, and it's performing important work.

By the end of fiscal year 2016, the National Center For Explosives Training And Research (NCETR) will significantly increase its staffing by 30 percent and work on increasing fire and arson investigations, in addition to explosives research.

Because we have gotten healthier as an organization over the last several years, we will offer several courses that haven't been offered, because training is usually the first thing to go when you have tough budget times, unfortunately.

In addition, we will be bringing our U.S. Bomb Data Center from ATF here in Washington, DC, and putting it in the NCETR facility in an effort to make sure that we are not only fully integrating our capacity, but collaborating at the highest possible levels with the FBI's Terrorist Explosive Device Analytical Center that is down there in NCETR.

Another important ATF asset, our Fire Research Lab in Ammendale, Maryland, is currently involved in the research of several high-profile fire incidents. I want to thank this subcommittee for the support that our lab has. Surprisingly to me, I have learned that across the country our arson research capacity is something that is a great treasure to Federal law enforcement. We have worked on several significant arson investigations with State and local law enforcement trying to figure out what happened.

We are performing tests recently on the West Texas fertilizer plant that killed 15 first responders and injured 160. We are currently looking at the horrific fire that happened several months ago in Annapolis that killed a grandmother, a grandfather, and their grandchildren, trying to determine some of the issues with Christmas trees.

This kind of research is taken care of very quietly, but will be very helpful to public safety across-the-board.

To support this important work, and I look forward to discussing it further, ATF's 2016 budget request totals $1.26 billion, including 5,100 permanent positions, nearly half of which are special agents.

This request includes a $52 million increase in base resources that really is focused, as Director Comey mentioned, on our human capital. ATF has a very experienced special agent workforce. Within the next 3 years, we will have nearly 35 percent of that workforce be either mandatory or eligible for retirement. We need to do all we can over the next several years, including in this budget cycle, to refresh and get new agents out there before the senior agents leave.

I look forward to answering your questions.

And I do want to maybe set the table here as a preemptive. The chairman mentioned in our regulatory effort, a proposal that we requested comments on for the last 30 days. That comment period will close.

It involved an exemption for a particular type of 5.56 round. We have nearly 90,000 comments. We will assess those comments. Working with you, and with others, we will see how we can really address what was at the genesis of that posting, which was an effort to address nearly 30 exemption requests and finding a framework for dealing with that.

With that said, I see the time is over, and I will be happy to answer any questions that you have.

[The statement follows:]

PREPARED STATEMENT OF HON. B. TODD JONES

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, thank you for the opportunity to appear before you today. I am pleased to be here to discuss the President's fiscal year 2016 budget request for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

ATF's principal mission is to protect our communities from serious and violent criminals who illegally possess and use firearms, use explosives for criminal purposes, and engage in deadly acts of arson. We accomplish our mission through both the enforcement of criminal law and the regulation of the firearms and explosives industries. ATF has a long history of delivering our expertise and capabilities to our Federal, State, and local partners. We provide critical resources and support to them in the fight against violent crime. We highly value our partnerships and strong working relationships with law enforcement, public safety agencies, industry groups, and community organizations. When violent crime strikes our Nation, ATF is there working side-by-side with our partners, supporting them with our specialized skills, tools, and experience. In the past 3 years alone, ATF has been at the frontline fighting against crime and helping our partners investigate tragedies such as: the Boston Marathon Bombing; the horrific mass shootings in Aurora, Colorado; Newtown, Connecticut; and the Washington Navy Yard, as well as assisting in thousands of other less publicized investigations.

Across the country, ATF and our partners pursue the most violent criminals, particularly those who engage in organized gang violence or illegally supply those gangs with firearms. Recently, ATF completed enhanced enforcement initiatives in New Haven/Bridgeport, Connecticut and Chicago, Illinois. In total, 350 defendants were accepted for prosecution and ATF seized or purchased more than 350 crime guns during these operations. In Chicago alone, the approximately 200 charged defendants had almost 3,000 prior felony arrests. We accomplished this with additional ATF manpower, our partners, and technology such as ATF's National Integrated Ballistic Information Network (NIBIN), which compares high resolution images of cartridge cases recovered from multiple crime scenes to link firearms to multiple shootings. I'm proud of what we are able to achieve for the citizens of those communities.

For ATF to more effectively combat violent crime and better serve our partners and our communities, we developed "Frontline", a business model that prioritizes our resources to those areas and programs that will have the greatest impact on fighting violent crime, whether that is firearms trafficking, gang, arson/explosive or tobacco investigations. We accomplish this, in part, by assessing each ATF field division for efficiency and effectiveness and making any necessary changes to improve mission performance.

We partner more closely and effectively than ever with State and local law enforcement in fighting violent crime. In many instances local law enforcement has experienced significant budget cuts, and the violent crime enforcement expertise and training we provide is often reported as a key component of their success. In fact, during the last year we trained thousands of local law enforcement across ATF's jurisdiction of firearms, explosives and arson. Some specific courses included Advanced Firearms Trafficking Techniques, Advanced Explosives Disposal Techniques, Basic Fire Origin and Cause Determination, Accelerant Detection Canine Course, Arson for Prosecutors, and two NIBIN-related courses. Programs such as eTrace (a paperless firearms trace request submission system and interactive trace analysis module that facilitates firearms tracing) and NIBIN provide tools extensively used

by State and local law enforcement to combat violent firearm crimes. Using these programs, ATF traced more than 364,000 crime guns last year.

ATF's Fire Research Lab in Ammendale, Maryland is in the midst of several significant research projects on high profile arson/explosive incidents with our State and local partners. In February 2015, lab personnel performed testing related to the April 17, 2013, explosion and fire at the West, Texas, fertilizer plant that killed 15 and injured 160. ATF is working with the Texas State Fire Marshal's Office to study various hypotheses in an effort to determine the origin and cause of the fire and explosion. Further, based on ATF's expertise in arson/explosive incidents, ATF supported the investigation of the fire that claimed six lives 2 months ago in Annapolis, Maryland. Investigators concluded an electrical failure ignited the skirt of the family's Christmas tree. We will perform tests in early April to better understand the fire dynamics related to Christmas tree fires. This information can then be released to our State and local fire investigator partners to help them prevent any further loss of life and property through similar occurrences.

ATF's National Center for Explosives Training and Research (NCETR), in Huntsville, Alabama—established through the support of the Chairman and members of this subcommittee—is also performing important research and development to fulfill our explosives enforcement and training missions. This year, NCETR will increase their staffing by more than 20 percent. This will allow ATF to immediately increase fire and arson investigation training. We will offer several training classes to State, local and Federal investigators and prosecutors that have not been offered in a number of years. NCETR is redeveloping these classes and once complete we will enroll students in this state-of-the-art training.

Additionally, the NCETR Explosives Research and Development Division will hire engineers and support positions to provide much needed research and development capabilities for ATF and our partners, such as the National Ground Intelligence Center and the National Counter Terrorism Center. Lastly, ATF is relocating the U.S. Bomb Data Center (USBDC) from ATF Headquarters to the NCETR facility. These expansions in ATF's capacity at NCTER will enhance and complement our collaboration with our partners at the FBI, which also maintains a facility near NCETR. We are gratified by the opportunity to reinvigorate our explosives and arson investigation training in coordination with our research and development mission at NCETR. We are equally gratified by the opportunity to expand collaboration with the FBI's Terrorist Explosive Device Analytical Center (TEDAC) on counter terrorism matters, advisories, bulletins, and reports about testing and research. Enhancing our ability to develop and report best practices to the explosives and arson investigation communities are great steps forward for NCETR.

FISCAL YEAR 2016 BUDGET REQUEST

ATF's fiscal year 2016 budget request totals $1.26 billion in direct budget authority, including 5,111 permanent positions, nearly half of which are ATF Special Agents. This request includes a $52 million increase for base resources required to support ATF's workforce and infrastructure at a critical juncture—between now and fiscal year 2019 nearly 1,000 of our current 2,500 ATF Special Agents will become eligible for retirement. That represents more than one-third of our special agents. ATF is taking significant steps in hiring to address this attrition bubble, but we require the continued funding level support requested in this budget to maintain this effort.

In addition, ATF's fiscal year 2016 budget includes one program enhancement—$8.1 million to continue increasing capacity and reducing backlogs at ATF's Martinsburg, West Virginia, facility. This increase will allow ATF to add 10 Legal Instrument Examiners as well as additional contract support to continue to reduce the backlog in processing National Firearms Act (NFA) registrations. The additional funding will also improve ATF's firearms tracing operations, a unique and vital violent crime fighting asset that is heavily relied upon by our State, local and Federal law enforcement partners.

In this era of tighter budgets, ATF is doing more than ever to ensure that taxpayer resources are directed to areas that generate the greatest public safety value and return on investment. We do this by prioritizing our resources, partnering with our Federal, State and local colleagues, and using existing technologies in new and innovative ways to fight violent crime.

Let me give you some additional examples of how ATF has become more strategic:

—The deployment of the Mobile Bomb/Arson Tracking System (BATS) will enable over 10,000 Federal, State and local law enforcement and public safety interagency users to report arson and explosives incidents from the scene of the incident, reducing the average reporting time from 35 days to one day.

—The National Firearms Act Branch performed many innovative staffing enhancements, including the cross training of existing personnel, with the net effect of a 58 percent reduction in the Branch backlog.
—The National Tracing Center saved $50–$70 million on the digital conversion of microfilm and microfiche.
—NIBIN will downsize its server population resulting in cost reductions, improved performance capabilities, and improved efficiencies in communication lines.
—ATF performed an agency-wide technology refresh, replacing all personal computers and updating operating systems.
—ATF will reallocate any realized savings to enforcement and industry support operations. If you or your staff would like details on these cost savings that I have highlighted, we will be glad to brief you on them in more detail.

Mr. Chairman and members of the subcommittee, I want to conclude by saying that ATF is proud of its contributions at the frontline fighting against violent crime. We are recognized by Federal, State, and local law enforcement agencies across the country for our expertise and take great pride in our successes that reduce gun violence and remove violent offenders from the streets. I am humbled by the exceptional work done every day by ATF Special Agents, Investigators, and professional support staff combating violent crime. Even in times of adversity—which can come often when you are in our line of work—I am proud to tell you that the dedicated men and women of ATF have continued, day in and day out, working tirelessly to enhance the safety of all Americans. They and their families have my deepest gratitude for the sacrifices this often difficult work requires and I am honored to be here today to represent ATF.

Senator SHELBY. Thank you very much.

I will direct my first question to you, Mr. Jones.

On February 13, the ATF released a proposed framework that would have eliminated the M855 "green tip" ammunition from the sporting purposes exemption. This week, ATF abandoned this proposal.

A lot of us are troubled at the ATF's process and intent regarding this proposed ban. I have heard from numerous constituents who use this ammunition for shooting sports and hunting, and they are strongly opposed to the ban, as you know.

Additionally, it is concerning to a lot of us that the new Federal Firearms Regulation Reference Guide published in January inexplicably removed M855 ammunition from the exemption list for sporting purposes.

Why did the ATF propose this M855 ban when such ammunition has been allowed under the sporting purposes exemption for many, many years?

THE EXEMPT FRAMEWORK FOR ARMOR PIERCING AMMUNITION

Mr. JONES. Senator, thank you for the question. I think it's important for everyone to understand again that the genesis of us putting that framework proposal up for public comment was our good faith effort to try and construct a framework to deal with nearly 30 exemptions that we have had in the queue for many, many years at ATF.

We do have a responsibility to regulate. We can't stick our head in the sand with respect to additional exemption requests.

The M855 exemption has been in place for nearly 30 years. It was a classification that ATF made on that particular round.

I want to make sure everybody understands that this was not, contrary to some in the blogosphere, an effort to completely ban that certain type of cartridge. It is this one particular "green tip" that is, in essence, military surplus that, under the Law Enforce-

ment Officers Protection Act (LEOPA), does qualify as armor-piercing, but has had an exemption for 30 years and been in the market and used for sporting purposes for the last 30 years.

Our request for input on a framework was our effort to try and get a transparent process where we could act on the nearly 30 other exemptions that were there, and not look at the exemption that was out there on M855.

I think the reality of this is, we need to deal with the pending exemptions. There aren't going to be any new exemptions granted until we work our way out through this. The exemption for M855 has been there for 30 years and will remain.

Senator SHELBY. And you abandoned it this week, did you not?

Mr. JONES. We are going to take the input in. We are not going to move forward without analyzing the nearly 90,000 comments from all spectrums, with a sense of figuring out how we do this rationally, in a common-sense way that, first and foremost, for us, protects our law enforcement officers in compliance with LEOPA.

TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER

Senator SHELBY. I will direct this question to the FBI Director. You talked about earlier the Terrorist Explosive Device Analytical Center we call TEDAC, and so forth, and how important it is.

What is TEDAC's operational and construction status at this point? And when will the facility be fully operational? Do you know?

Mr. COMEY. I think we are on track, Senator, to open sometime late this spring or in summer. I went down there to check on its progress, because I am keenly interested in it. The building is up. It looks good to me, but there are other things that still have to be done for it to be ready.

We had some delays because our contractor has struggled with some of the unique technical requirements we need to deal with explosives in that building. But my understanding is we are on track for a no later than summer opening.

Senator SHELBY. How is the ATF working cooperatively with you, with the FBI, on this? Have they put their good officers forward to work with you and cooperate with the FBI, regarding TEDAC?

Mr. COMEY. Yes, as they always do. As Director Jones said, one of the hallmarks of ATF is they are a great partner in a whole host of ways, and they are with TEDAC.

NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH

Senator SHELBY. Director Jones, you referenced NCETR a few minutes ago. Where are we exactly on that, as far as staffing the program? We call it the National Center for Explosives Training and Research. You mentioned this earlier in your testimony.

Mr. JONES. I have had an opportunity on a number of the occasions to go to NCETR. It is a wonderful facility for our organization, and it's a wonderful asset.

I think when TEDAC is up and running, and with what we have already done at NCETR, and what we plan to do at NCETR, we will expand beyond the explosive training and research, focusing primarily on homemade IEDs and some of the research there, is expand into the fire and arson realm. We have a great lab in

Ammendale, but we are doing some work down at NCETR and that necessitates us moving additional personnel there.

I think the main thing is that we are finally going to move the U.S. Bomb Data Center personnel from Washington down there to NCETR, as originally envisioned, and that is going to happen this year.

Senator SHELBY. One last question to the FBI director, how is the FBI responding to the Army's separation from the Hazardous Devices School? They had sent word, as I understand it, where they have had a partnership there, and the Army has indicated they no longer will provide personnel to the school. But I think that is an important operation there.

Mr. COMEY. I agree completely, Mr. Chairman.

We are working with them to see if there are folks who they are no longer going to have there as part of their complement that can come work for us, so we don't lose the expertise. Our overall commitment is not to lose any capability there.

In fact, as you know, with the support of this subcommittee, we are expanding that training facility, because there is such a hunger for advanced bomb tech training.

Senator SHELBY. Thank you.

Senator Mikulski.

Senator MIKULSKI. Mr. Chairman, thank you, and I also want to compliment you on the fact that we are going to continue the tradition of the subcommittee of a classified hearing after this, because so much of what we want to do about counterterrorism and organized crime are questions better said in that. Thank you very much for being able to provide us with that opportunity.

I have, essentially, two questions.

HEROIN

One, though, I want to raise is about heroin. And I have a significant issue in Maryland, and it has been raised by our local DEA people, as well as Governor Hogan. And we have heard a place like Vermont has declared it the "state of the State" issue.

In fiscal year 2015, this subcommittee requested that the Department of Justice (DOJ) convene a task force to come up with a comprehensive Federal solution of law enforcement health care treatment and prevention, not only law enforcement.

Director Comey, you told me that it had been handed to the DEA. Is that right?

So could you tell me what DEA is doing? And are you the task force that I asked for, because we have gotten very little feedback about it?

Ms. LEONHART. Sure, I would be glad to address that.

The task force you called for was not tasked to DEA, but I do know that the department has been looking at it and actually has convened some meetings that we have attended to put together——

Senator MIKULSKI. Is there a Department of Justice task force, and I will ask the Attorney General, that you know of that has the task force that we asked for?

Ms. LEONHART. I know that they have had meetings with people outside the department and within the department, and have gathered——

Senator MIKULSKI. Okay, so they didn't do it. And we will come back to that.

Could you tell us, though, what you are doing, Ms. Leonhart?

Ms. LEONHART. Sure. Maryland is a perfect example, when we are talking about what it's going to take for our country to actually stem the flow of the rising heroin problem.

As you know, in Maryland, heroin deaths nearly doubled. And, in fact, when you look at all overdose deaths in Maryland last year, the majority of them were actually heroin overdoses.

Over the past year, we put together a local task force. We have one in Baltimore. We have a similar task force arrangement here locally that we are working with our partners.

But in Baltimore, we became very concerned about why this rise in heroin overdoses. We understand why there is more heroin coming into our country, and that is because more and more of it is coming—it's almost all Western hemisphere, but more and more of it is coming from Mexico and is being controlled by the same Mexican organizations and trafficking groups that we see all across the country who have brought cocaine, meth, marijuana to our communities.

So we started looking at it, and we started to be concerned——

Senator MIKULSKI. Remember, I have 5 minutes, so could we get——

Ms. LEONHART. Sure. We started to be concerned because there was an epidemic of fentanyl-laced heroin that caused overdoses, especially in Chicago and Detroit a few years back. So we started working with the medical examiner offices, coroners, working with county police departments. And we are looking at those deaths, and we are finding that a number of them are actually fentanyl-laced heroin overdoses.

So we have efforts going enforcement-wise, public service announcements, warning local law enforcement——

Senator MIKULSKI. How many of these task forces do you have, along with this great work you are doing in the Baltimore community?

[The information follows:]

BACKGROUND

Heroin abuse and availability are increasing, particularly in the Eastern United States. As reported in the National Survey on Drug Use and Health (NSDUH), between 2008 and 2012, there was a 37 percent increase in new heroin users. This demand is driven in part by controlled prescription drug (CPD) abusers switching to heroin as it is more available and less expensive. As a result, many cities and counties across the United States, particularly in the Northeast and Midwest, are reporting increased heroin overdose deaths. In addition, a rapidly growing amount of heroin is being smuggled into the United States on a daily basis.

DEA TASK FORCES

DEA leads 192 task forces, which are made up of multiple Federal, State, and local law enforcement agencies within a specific region. They facilitate investigations by enhancing interagency coordination and intelligence sharing, leveraging Federal resources, and combining DEA expertise with local officers' investigative talents and knowledge of their respective jurisdictions. Their mission is to identify, disrupt, and dismantle the most serious domestic and international drug trafficking and money laundering organizations responsible for the Nation's drug supply. Most drug trafficking organizations are multi-drug in nature; therefore, in general, DEA task forces do not target specific drugs.

The Northeast United States, particularly New England, continues to see a steady increase in heroin and opioid abuse and associated overdoses. In April 2015, the Department of Justice's Organized Crime Drug Enforcement Task Forces (OCDETF) allocated additional funding to be used to address the surge of heroin overdoses in the New England Region. The funding will be provided to the DEA-led Boston OCDETF Strike Force as part of Operation HEAT (Heroin Enforcement Action Team). The task force will focus on heroin investigations and respond to overdoses in eastern Massachusetts, gathering pertinent information to develop a clearer understanding of major heroin traffickers in the region. The DEA-led OCDETF Fusion Center will play a key role in Operation HEAT by conducting target profiles on intelligence developed by investigators. In addition, DEA's Special Operations Division GangTECC will support Operation HEAT by providing case coordination, telecommunication exploitation, and funding for the interception of communication devices.

TASK FORCE SUCCESS STORIES

Maryland.—In February 2014, the Baltimore District Office (BDO) created a Task Force to deal with the significant increase in the fentanyl-laced heroin overdoses occurring in Maryland. Recently, the Chief Medical Examiner and the Maryland Department of Health and Mental Hygiene reported 141 fentanyl-related intoxication deaths within the State between January and September 2014. For the preceding 7 years, the State averaged just 22 fentanyl-related intoxication deaths in the same 9-month period. Further, the BDO recently instituted Operation Trojan Horse—an operational collaboration between DEA, the High Intensity Drug Trafficking Areas (HIDTA) program, and various Maryland State and local law enforcement partners, including seven of the most afflicted areas of the State. The Task Force is designed to work as a data collection clearinghouse that will solicit, process, and analyze information from all fatal and non-fatal overdoses occurring in the State of Maryland. The data will be shared with HIDTA and the respective State and local law enforcement agencies to ensure proper deconfliction, coordination, and cooperation.

Additionally, the BDO will engage with all participants to bolster the development of educational and drug awareness programs, viable tactics, and all applicable enforcement avenues to mitigate the further spread of heroin/fentanyl and other abused opiates.

Pennsylvania.—In August 2013, the DEA Philadelphia Division Intelligence Program was an integral part of the establishment of a Pennsylvania statewide Overdose Rapid Response Task Force, in conjunction with the Pennsylvania Office of Drug & Alcohol Program, the Pennsylvania State Police, the Philadelphia/Camden HIDTA, and the Pennsylvania Office of the Attorney General. This information sharing task force continues to function as a clearinghouse for drug overdose data collection and information sharing with law enforcement, public health, treatment, and policymakers throughout Pennsylvania.

The Philadelphia Division has prioritized heroin investigations leading to bulk heroin seizures in Pennsylvania with an estimated value of $6.2 million in 2014. Priority Target investigations conducted within and outside the Philadelphia Division have resulted in these seizures of Mexican drug trafficking organization (DTO)-sourced white heroin.

Florida.—Since July 2013, the West Palm Beach District Office (WPBDO) Task Force and the Delray Beach Police Department have conducted an investigation into a heroin DTO operated by Gary Moore. During the onset of the investigation, 5 heroin/fentanyl mixture overdose deaths were reported out of 24 total heroin overdoses in the area. Eight of these overdoses have been traced to the Moore DTO. Over the last year and a half, DEA and law enforcement partners infiltrated the Moore DTO using judicially authorized Federal Title III Intercepts. On January 14, 2015, the WPBDO Task Force executed 7 search warrants and 17 Federal arrest warrants, resulting in the seizure of approximately 3 kilograms of heroin, 7 vehicles, 5 firearms, approximately $40,000, and the arrest of 17 members of the Moore DTO.

INTERAGENCY HEROIN TASK FORCE

Additionally, the administration's interagency Heroin Task Force held its first meeting in April 2015. This task force is co-chaired by U.S. Attorney for the Western District of Pennsylvania David Hickton and Office of National Drug Control Policy Deputy Director for State, Local and Tribal Affairs Mary Lou Leary, and includes Federal agency experts from law enforcement, medicine, public health, and education. The task force will take an evidence-based approach to reducing the public safety and public health consequences caused by heroin and prescription opioids.

SUMMARY

Heroin is a growing problem in the United States and is being driven by many factors, including an increase in the misuse and abuse of prescription psychotherapeutic drugs, increases in heroin purity and availability, the decreasing street cost of heroin, expanded Mexican DTOs' involvement in the distribution of heroin, and the lack of public awareness of the risks of heroin use. In response, DEA has increased enforcement and prevention efforts and expanded its coordination with government and private sector partners. DEA is well underway in its efforts to fully understand the threat and ultimately reduce the abuse and availability of heroin and opioids in illicit drug markets in the United States.

Ms. LEONHART. Well, I know the Washington High Intensity Drug Trafficking Areas (HIDTA) program is working——

Senator MIKULSKI. No, no, no. I am asking DEA, the Baltimore efforts, I compliment you on. Okay?

I am frustrated that DOJ did not do the comprehensive thing. Law enforcement is a tool. We have to look at prevention, enforcement and interdiction, and then recovery, okay?

Ms. LEONHART. Yes.

Senator MIKULSKI. So that is not going on.

You are doing a great effort. Do you have seven of these? Do you have 17 of these efforts? How many do you have?

Ms. LEONHART. We have the main effort in Baltimore, but we also have a couple of different task forces operating and coordinating together here in Washington, DC, and then we have communities throughout the country where we have replicated what Baltimore did.

The results of what we have done, when we have been able to get health folks together, law enforcement——

Senator MIKULSKI. Okay.

I am going to ask you. What are you doing on drugs, Director Comey.

Mr. COMEY. In every field office, we are engaged in focusing on the complex trafficking organizations, almost all the time in partnership with DEA. Our contribution to the heroin epidemic has been to work with DEA to try and disrupt the traffickers who are bringing it in.

Now we have not touched the other pieces you talked about.

Senator MIKULSKI. And does the Marshals Service have a role?

Ms. HYLTON. Our role is primarily dedicated to the regional task forces and district task forces on the apprehension of the fugitives involved. And so we work collectively with our colleagues here, and the States and locals, in apprehending drug fugitives.

Senator MIKULSKI. Mr. Jones.

Mr. JONES. Our role really is to look for the worst of worst, those that are employing firearms to commit violent crime that protect either their organization, or their business. The guns are always the driver for us, but that obviously leads us to some collaboration with DEA and FBI, and State and locals across-the-board.

Senator MIKULSKI. Well, my time is up, but I think it says we really need a different kind of coordination here.

First, I want to compliment everybody on what they are doing. So it's not a criticism of you.

And the fact also, working with the State and local governments, we had the methodology of task forces, but there needs to be, I think, a more organized effort.

If we have a second round, I will follow up with other questions. I appreciate what you are doing. I gained a great deal of insight here. Thank you.

Senator SHELBY. Senator Lankford.

Senator LANKFORD. Thank you.

I would like to follow up on what Senator Mikulski was just talking about, because that is my same line of questions, as well.

Does it exist currently that this subcommittee can have a clear layout of the lanes of responsibility for dealing with drug issues? Because in two areas that I can see clearly, dealing with gangs and dealing with drugs, which obviously there is a tremendous amount of overlap, all four of you have lanes of responsibility in those areas.

Does it exist that there is a clear layout of who has what lane?

Ms. LEONHART. I believe that there are very clear lines. For instance, ATF and FBI have their violent crime task forces, and our role at DEA is really to identify those trafficking organizations, especially Mexican cartels and major Mexican organizations that are supplying the gangs, and that is what is fueling violence on our streets.

So we work together in a collaborative way, all knowing what our lanes are. And I have been very proud to say, in the 12 years that I have been in Washington, we have not once run into a problem that I had to go to the FBI Director and say we were overlapping here. I have not had to go to the director of the ATF. We work very well together, and we all know what our lanes are.

Senator LANKFORD. So with that, I would like to have that document just to be able to see, so we get some clarity of who has what lane, if that is in there, if that is a task force or whatever that may be. I would like to have that so that we can get that clear differentiation.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

The primary law enforcement mission of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is to combat violent crimes related to firearms, explosives and arson. These types of violent crime investigations, especially those involving firearms, are frequently intertwined with drug trafficking, particularly drug dealing by gangs and other criminal organizations. Absent a nexus to firearms, explosives or arson, however, ATF does not independently investigate drug trafficking. ATF's Frontline business model mandates that criminal investigations should be strategically focused on the most violent crimes and criminals, and specifies that drug trafficking alone is an insufficient basis to conduct an ATF investigation. ATF instead focuses its resources on individuals and organizations agents who engage in armed drug trafficking and engage in violent offenses as a tool of the trade. ATF's core statutory jurisdiction is well suited to addressing these armed traffickers, particularly title 18 section 924(c) of the Gun Control Act, which prohibits the use of firearms and explosives in furtherance of drug trafficking crimes.

The Frontline business model also mandates that ATF coordinate its investigations with Federal, State and local law enforcement partners, and that mandate is particularly applicable when drug trafficking is involved in an investigation. ATF recognizes that the Drug Enforcement Administration (DEA) has primary jurisdiction and responsibility for enforcement of Federal drug laws, and closely coordinates investigations of drug trafficking organizations with DEA, on all levels, national, regional and by field division. On a national, strategic level, ATF also closely coordinates the investigation of drug traffickers and organizations through the Department of Justice's Organized Crime Drug Enforcement Task Forces (OCDETF) Program. The OCDETF Program, which includes, among other participants, the Drug Enforcement Administration, Federal Bureau of Investigation, Bureau of Alcohol,

Tobacco, Firearms and Explosives, United States Marshals Service, Department of Homeland Security and Internal Revenue Service, is the Federal Government's primary vehicle for coordinating Federal, State and local resources to efficiently combat drug trafficking crimes. On both the national and the field division level, ATF also works closely with the High Intensity Drug Trafficking Areas (HIDTA) Program. Regional HIDTAs provide both resource coordination and essential deconfliction services for drug trafficking and related violent crime investigations. Finally, ATF works closely with U.S. Attorneys and local prosecutors through existing coordinating councils to ensure clear lanes of action and responsibility for local drug investigations. Moreover, where such coordinating bodies do not already exist, ATF's Frontline business model requires ATF Special Agents in Charge to work with the U.S. Attorney and other partners to form Violent Crime Reduction Partnerships (VCRP), to coordinate all efforts to combat violent crime, including drug trafficking.

DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration's (DEA) mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

DEA continues to prioritize its resources to disrupt and dismantle the "most wanted" drug trafficking and money laundering organizations primarily responsible for the Nation's illicit drug supply. This includes the Consolidated Organizational Priority Targets (CPTOs) identified by the Department of Justice (DOJ), plus other Priority Target Organizations (PTOs) identified by DEA. DEA also places a high priority on its efforts to prevent drug proceeds from ending up in the hands of terrorist organizations.

To effectively accomplish its drug law enforcement mission, DEA works cooperatively with various law enforcement agencies worldwide. DEA participates in and contributes to the investigative efforts of Federal, State, and local law enforcement through direct partnerships, including task forces and information sharing initiatives. These collaborative efforts improve the effective coordination of investigative activity and deconfliction across agencies. DEA also supplies intelligence and information that supports the disruption or dismantlement of drug trafficking organizations and leads to numerous drug seizures and arrests worldwide. DEA participates in a number of Federal interagency efforts, including the Federal Bureau of Investigation's Safe Streets and Safe Trails Task Forces, ATF's Violent Crime Impact Teams and Project Safe Neighborhoods, the DOJ's Weed and Seed Program, and Attorney General's Anti-Gang Coordination Committee. The sharing of DEA intelligence and resources has led to many successful operations and highly effective drug law enforcement.

Because of the international nature of drug trafficking, experience has shown that strong partnerships with foreign counterparts are vital in the drug law enforcement arena. Furthermore, DEA is not authorized to operate unilaterally overseas, so cooperation with the U.S. State Department, as well as foreign law enforcement agencies is essential to the DEA mission. To build and nurture these relationships, DEA has 86 offices in 67 foreign countries and more than 700 onboard employees stationed overseas. DEA's cooperative partnerships with foreign nations help them to develop more self-sufficient, effective drug law enforcement programs. As part of this effort, DEA conducts training for host country police agencies at the DEA training facilities in Quantico, Virginia and on-site in the host countries. DEA also works with host nation counterparts to stand up and train vetted units of foreign law enforcement officers with whom DEA works and shares information. In addition, the United States has extradition relationships with many nations and DEA makes use of these arrangements whenever possible. The agency's worldwide partnerships have led to multiple arrests and extraditions of the highest-level drug traffickers and money launderers, narcoterrorists, and international arms dealers.

In addition to Federal and international partnerships, DEA also recognizes the need for continued coordination of drug enforcement efforts with State and local counterparts across the country. DEA has 221 domestic offices organized in 21 divisions throughout the United States and works closely with State and local partners. Cooperation provides advantages to all participating agencies and provides a Federal presence in sparsely populated areas where DEA would not otherwise be represented. Through the end of the fourth quarter fiscal year 2014, DEA led 192 State

and local task forces. Moreover, these task forces consisted of an on-board strength of 2,235 DEA Special Agents and 2,668 State and local task force officers, all of whom are deputized with title 21 authority and dedicated full-time to investigate major DTOs and address trafficking problems in their local communities. Through the end of fiscal year 2014, DEA has trained 39,932 State and local law enforcement officers. In fiscal year 2013, DEA trained 41,004 State and local officers (totals include Clandestine Laboratory Certification Training). The number of State and local officers trained fluctuates from year-to-year due to the number of training sessions conducted in the field. DEA-led task forces act as force multipliers by drawing on the expertise of State and local law enforcement.

DEA also provides direct assistance to other law enforcement agencies through its State and local law enforcement clandestine laboratory training program. At the clandestine lab training facility, DEA trains Federal, State, local and foreign law enforcement officials on the latest techniques in clandestine laboratory detection, enforcement, and safety. In fiscal year 2014, the Clandestine Laboratory Training Unit conducted training for a total of 1,484 State and local law enforcement officers. This includes State and local Clandestine Laboratory Certification Training, Site Safety Training, Tactical Training, as well as training conducted for the National Guard and the Federal Bureau of Investigation's (FBI) National Improvised Explosive Familiarization Training.

FEDERAL BUREAU OF INVESTIGATION

The Federal Bureau of Investigation's (FBI) role in dealing with the drug issue revolves around its investigative strategy to target criminal organizations rather than specific underlying offenses. Transnational Criminal Organizations (TCOs) conduct various criminal activities such as drug trafficking, human trafficking, violent crime (to include gangs), money laundering, and public corruption. In order to meet this threat, the FBI investigates TCOs holistically by gathering intelligence on the criminal activities, structure, and hierarchy of the organization, and subsequently using a cross-programmatic investigation to target the TCO.

The FBI participates in various HIDTAs and OCDETF Strike Forces to accomplish this mission. Additionally, the FBI has Hybrid Task Forces (HTFs) which are designed to utilize the force multiplier of Federal, local and State Task Force Officers (TFOs) in an effort to target TCOs cross-programmatically.

UNITED STATES MARSHALS SERVICE

The United States Marshals Service (USMS) is the Federal Government's primary agency for conducting fugitive investigations. While the USMS is responsible for investigating and apprehending individuals wanted for escaping from Federal prison, and for Federal parole and probation violations, it has a long and distinguished history of providing assistance and expertise to other Federal, State, and local law enforcement agencies in support of fugitive investigations. In 1988, the USMS signed a Memorandum of Understanding (MOU) with the Drug Enforcement Administration (DEA) delegating apprehension authority to the USMS if DEA does not apprehend the fugitive within 7 days of issuing an arrest warrant. Drug-related offenses represent the highest percentages of USMS fugitive arrests. From fiscal year 2012–2014, 30 percent of the fugitives arrested were for drug warrants.

The Marshals Service uses its district and regional fugitive task force network to combine the efforts of Federal, State and local law enforcement agencies to locate and arrest the most dangerous fugitives. These task forces are designed and managed to ensure the highest levels of cooperation, coordination, and deconfliction among participating agencies to organize investigations and protect officer safety not only in high density regions and core cities but also in surrounding cities and small rural areas that face difficulties dealing with violent offenders' criminal activity.

In addition to the network of USMS-led fugitive task forces and its targeted initiatives, the USMS has partnered with the Organized Crime Drug Enforcement Task Forces (OCDETF) for over 30 years. Since the inception of OCDETF, the USMS has played an integral part in the war on drugs and has been able to dramatically reduce the number of outstanding OCDETF fugitives.

It is important to note that the USMS fugitive task forces locate and apprehend Federal, State, and local fugitives both within and outside the United States. Since 2003, the USMS has worked with other U.S. Government agencies in its three foreign field offices (Mexico, Dominican Republic, and Jamaica) and Colombia to apprehend high-profile fugitives. Targeted fugitives range from major Transnational Criminal Organizations (TCO) to Consolidated Priority Organization Target (CPOT) cartel leaders, murderers, kidnappers, sex offenders and violent criminals.

In addition to high-profile fugitive investigations, the USMS counter-narcotics efforts are worked, coordinated, exploited and deconflicted with the DEA's Special Operations Division inter-agency efforts, foreign field offices and appropriate leads in conjunction with the intelligence community. Though the USMS only has permanent presence in three countries, the USMS has an extensive network of foreign police contacts developed through outreach efforts and international fugitive training programs. Designated by the Department of Justice, the USMS is the Federal Government's primary agency for apprehending fugitives and has statutory responsibility for all international extraditions. The USMS routinely coordinates and conducts more than 400 extraditions annually with 40 percent of the international removals relating to narcotics.

Senator LANKFORD. But part of the issue for us, as well, as we deal with the budget issues, we appreciate very much what you do and the folks that are on the street and individuals that literally lay down their life for our country and do that every day, and their family members deal with the grief, and our Nation grieves.

We want to have the maximum number of people that are actually engaged on the street, both protecting each other and protecting our Nation, as possible, and the least amount in administrative work. So where there are areas of overlap, and one entity is really near-related to another entity, we would rather have one entity have more folks on the street and have half the administrative costs, as much as possible.

So that would help us to be able to get that perspective.

Another one is, I know there is a lot of focus right now on international terrorism, rightfully so by the way. But we can't lose the focus on drug and gang violence that is happening in the United States, because we lose more folks to drug and gang violence every week in the United States than we do international terrorism.

Now, we can't put one priority over another one. We just can't lose that priority. And I would continue to reinforce that again with the funds and with the focus that we have. That is a continued major emphasis that we have to keep up that obviously DEA is trying to lead the way on so much, but all four of your entities are very, very involved in that as well.

Let me do a specific question to Mr. Jones here, as well. The Attorney General Eric Holder and I had a conversation several years ago, coming out of the backside of "Fast and Furious." It was a conversation about some of the procedures and process in trying to align the FBI processes for how to do undercover operations and the permissions and the access points going all the way to DC with ATF, because there are two different sets of processes.

That was about 3 years ago that we had that conversation that was ongoing.

ATF INTEGRATION OF DEPARTMENT OF JUSTICE POLICIES

Do you know where that is, in status right now, in trying to align ATF processes with more of an FBI-like process for investigations?

Mr. JONES. Senator, thank you for the question, and I think we are in a very better place than we were 3 years ago. I had three priorities when I came onboard.

One was to get the organization healthy, and that is not just in resources. It is the infamous morale question.

Number two was to fully integrate ATF into the Department of Justice policies. Coming from a U.S. attorney background, having served on the Attorney General's Advisory Committee (AGAC),

being intimately familiar with Undercover Review Committee, Confidential Informant (CI) Committee, all of the processes that are there at the Department of Justice, we are on target with integrating and making sure that we are in sync with all of the DOJ law enforcement components on how we do some of those fundamentals, in terms of processes for higher or high-risk law enforcement operations.

Now, the challenge for all of us, and the thing that gets attention oftentimes, is when the policy is not put into practice completely and uniformly across the country. That is sometimes a challenge, because putting it into practice involves your people and communication and training.

Senator LANKFORD. But where do you think that is, in implementation of the policy, though, first?

Mr. JONES. For us?

Senator LANKFORD. Yes.

Mr. JONES. For ATF?

Senator LANKFORD. Yes.

Mr. JONES. We are in sync with DOJ policy across-the-board, and we will continue to refine all of our orders and policies and practices on paper and in practice.

PRISONER DETENTION POPULATION

Senator LANKFORD. Okay, thank you. One final question as well. There is a decrease in budget on the prisoner detention budget line item on that, and the reason that was done was a decline in population, which, by the way, is often good news on that. But can you tell me the reason that you see there is a decline in Federal prisoner population?

Ms. HYLTON. You are accurate, Senator. The major contributor is the decline in the population. It is also a lot of efficiency and time in detention that has been reduced in business practices. So those two combined.

Senator LANKFORD. For any certain population that there is a decline in length of detention?

Ms. HYLTON. The decline in population—it will stay strong in immigration. It stays at a steady pace. There is a slight decline in drugs and a slight decline in supervised release, but those fluctuate primarily because of the length of time it takes to prosecute the cases. So it's time in detention that really impacts the dollar at times.

Immigration has a faster processing of those cases compared to drugs. So it's really detention time that reduces it.

Senator LANKFORD. Okay, thank you.

I yield back.

Ms. HYLTON. Thank you.

Senator SHELBY. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

Director Comey, I want to thank you for the work your people do in counterterrorism. I was there when Bob Mueller announced the development of an intelligence branch in the FBI. At that time, I had some concerns about it.

I have watched its evolution, and I just want to say that whether it was Najibullah Zazi, which is well-known, or plots that are not

well-known, the FBI has been able to disrupt plots in the United States. I think that is a very important and significant thing. And I want very much to thank you for it.

I want to ask you, yes or no. One of my disappointments was to learn that the 6-year report of the Senate Intelligence Committee on the detention and interrogation program sat in a locker and no one looked at it. Let me tell you why I am disappointed.

The report, the 6,000 pages and the 38,000 footnotes, which has been compiled, contains numerous examples of a learning experience of cases, of interrogation, of where the Department could learn perhaps some new things from past mistakes. The fact that it hasn't been opened, at least that is what has been reported to me, is really a great disservice. It is classified. It is meant for the appropriate department. You are, certainly, one of them.

I would like to ask if you'll open that report and designate certain people to read it, and maybe even have a discussion how things might be improved by suggestions in the report.

Mr. COMEY. I will do that, Senator. As you know, I have read the executive summary. You asked me to do it during my confirmation hearing. I kept that promise and read it.

There are a small number of people at the FBI who have read, as I understand it, the entire thing. But what we have not done, and I think it's a very good question, is have we thought about whether there are lessons learned for us, because it's a tendency for me to think we don't engage in interrogation like that, so what is there to learn?

I don't think I have thought about——

Senator FEINSTEIN. Well, you did. And Bob Mueller pulled your people out, which is a great tribute to him.

Mr. COMEY. So the answer is yes, I will think about it better and I will figure out where we are in terms of looking at the entire thing. I don't know enough about where the document sits at this point in time, and you mentioned a lock box. I don't know that well enough to comment on it at this point.

HUMAN TRAFFICKING

Senator FEINSTEIN. Thank you very much.

Let me talk to you about another problem. Human trafficking is now the second largest criminal enterprise in the world. It is behind only the drug trade. In this country too, children 12, 13, and 14 are being trafficked. They are being transported across State lines to cities all over the United States.

In some areas like Los Angeles, even street gangs are running these trafficking rings. So traffickers, now to distance themselves, have come upon a method of using the Internet. There are some 20 Internet sites where a purveyor, a trafficker, for as little as a dollar can buy an ad. So the Internet effectively becomes complicit.

Now these are children. These are underage girls, sometimes underage boys. They are held against their will.

I have become very concerned about this and will be doing more on it. But my question to you is, what can the FBI do to really make this a major priority and crack down on it? It is international, but it's also big-time national.

Mr. COMEY. Well, I think your characterization of it is correct, Senator. It is a huge feature of our work in all of our field offices. We work in 70-some task forces to try and address it. We work internationally in our 64 legal attaché offices (legats) to try and address it. So it's a big feature in our life.

We are trying to make sure we send a message that there are huge costs to doing this in the United States. We are focused on the individuals. You allude to the challenge with Internet sites; that is a challenge for us. Obviously, we have a wonderful country with a First Amendment that protects people's ability to create sites.

We are trying to focus on the individuals who may be operating a site for purposes of trafficking and lock them up for a long period of time, and we are doing that all over the country.

Senator FEINSTEIN. Have you had any success?

Mr. COMEY. Oh, yes. We sure have.

Senator FEINSTEIN. Could we learn more about that?

Mr. COMEY. Sure.

Senator FEINSTEIN. Okay. Not now, but I would appreciate sitting down with you.

BACKGROUND CHECKS

According to the Government Accountability Office, the famous GAO, for the last 10 years, February 2004 to December 2014, there were 2,233 cases in which a known or suspected terrorist, individuals who were on the Federal terrorist watch list at the time, attempted to buy a firearm or obtain an explosives permit.

In 91 percent of the cases—this is not me, this is the GAO—2,043 separate occasions, those known or suspected terrorists were successful in passing a background check. What can be done about this?

Mr. COMEY. Well, Senator, what we do now is, if someone on the watch list purchases or attempts to purchase a firearm, an immediate alert is sent to the agents who are the source of the suspicion about that individual, so they can incorporate that information into their investigation.

It is a little bit challenging for us because "known or suspected" means it hasn't been adjudicated in every case that somebody is a terrorist. It is somebody we're investigating. So we don't want to, obviously, blow our investigation.

Senator FEINSTEIN. Well, let me say this, in 2007, the Bush administration's Justice Department drafted legislation to close what is a gap and prevent a known or suspected terrorist from buying a gun or explosive in this country.

In 2009, Attorney General Holder expressed the Obama administration's support for the legislation. And I introduced similar legislation in the Senate last year.

The question comes for the law enforcement element of the administration to really come forward and be supportive of this, because the National Rifle Association even opposes this. Now, this is terrorists.

You know, we can have people come into this country meaning to do us harm, and they can go in and buy a weapon to carry it out. That is simply unacceptable.

So I want to bring it to your attention. We have to come together and prevent this from happening.

Your biggest concern is the lone wolf. The lone wolf can come in unarmed. He can buy the explosives. He can buy the gun. This must be stopped.

Mr. COMEY. Thank you, Senator.

Senator FEINSTEIN. No comment?

Mr. COMEY. I don't know where the administration is on the legislation, so I have nothing intelligent to say about that. I am focused on the operational piece of it, to make sure that we are alerted. I will have to find out where the administration stands on the legislation.

Senator FEINSTEIN. If you will, and I would also like to know where you stand.

Mr. COMEY. Oh, I am the FBI, I don't——

Senator FEINSTEIN. You don't stand?

Mr. COMEY. I don't stand. I am too tall to stand.

Senator FEINSTEIN. Thank you.

Mr. COMEY. Thank you.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Senator SHELBY. Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman. And thank you all for being here. We appreciate all that you represent.

Director Jones, first of all, I would like for you to be sure and send our condolences to Special Agent William Sheldon's wife and two young children. I understand that he has lost a battle with cancer, and we, certainly, are thinking of him.

And Director Hylton, we want, also, to express our condolences to Josie Wells, who was killed in the line of duty on March 10th, again, to family and friends, and the U.S. Marshals Service.

I think these things illustrate what you all are about, and we really do appreciate you.

I really want to follow up on what Senator Mikulski was talking about, and Senator Lankford in a different way, and the tools that we have out there to try and fight the drug epidemic, and along with that, the violent crime that comes with that.

VIOLENCE REDUCTION NETWORK

Director Jones, as a response to violent crime in Little Rock and West Memphis, Arkansas, I understand that both are potentially candidates to be named a Violence Reduction Network. Can you talk a little bit about that initiative, and how that is helpful?

Mr. JONES. Thank you, Senator, for the question. The VRN, the Violence Reduction Network, is an initiative that "the old becomes new," and it really is a collaborative effort with not only Federal law enforcement across-the-board, but also with State and locals, to address violent crime at a multitude of levels and make it sustainable.

I know that Little Rock, in particular, has been discussed as a VRN potential site. It also is a site where we have done some work through our New Orleans field division to try and address the unacceptable levels, at times, of violent crime.

But, the VRN really has a lot of potential. It is in its genesis. There are 10 cities now. There has been a conference here. We

brought all the stakeholders, D.A.s, U.S. Attorneys, State and local police departments, and all of the Federal agencies represented here, to discuss, in a very focused way, the nature of the violent crime problem, the perpetrators of the violence in those communities, and sustainable strategies to lower it, eradicate it, and sustain it.

HIGH INTENSITY DRUG TRAFFICKING AREAS

Senator BOOZMAN. Very good.

And related, Ms. Leonhart, High Intensity Drug Trafficking Areas (HIDTA), can you talk a little bit about that and how that fits in?

Ms. LEONHART. Sure. The HIDTA program is run by the Office of National Drug Control Policy (ONDCP), not DEA. But all of the agencies at the table——

Senator MIKULSKI. Tell Senator Boozman what those initials stand for. Not that he doesn't know, but we get lost in initials that you know every day.

Senator BOOZMAN. You are exactly right.

Senator MIKULSKI. And they sound like cans of alphabet soup to us, or Scrabble games.

Ms. LEONHART. Sure. It is the High Intensity Drug Trafficking Area program, and it is run by the Office of National Drug Control Policy (ONDCP). There are numerous HIDTAs. They are big task forces, with different initiatives that bring State, local, and Federal together.

In these HIDTA task forces we are able to concentrate on, kind of in a regional concept, the threats, both drug and other violent-type crime, that are wreaking havoc on those communities.

Senator BOOZMAN. So, I guess my question is, is there a way to, and we could go down the line, we have all of these programs going on. Is there a way to integrate the programs, so that when you are doing your thing, Director Jones, and you are doing your thing, Ms. Leonhart, and Director Hylton, FBI, do we integrate those things when we go into a community?

Ms. LEONHART. Absolutely. The beauty of, say, a HIDTA task force is that some of the groups are run by the FBI, concentrating on the violent gangs that the FBI brings expertise to the table on. Others are fugitive-related and run by the Marshals Service to make sure that we are going after the most significant, and most wanted violators in the area. Then the ones that are concentrating on firearms are often run by the ATF.

They are integrated and, actually, all the different initiatives and task forces complement each other, and that is why our four departments, and our State and local partners can almost seamlessly work between these task forces to go after the threat.

Senator BOOZMAN. Thank you.

Ms. Hylton, very quickly, because I am out of time, if we do make it such that we reduce the Federal prison population, how is that going to affect you guys?

Ms. HYLTON. Well, I think there are always criminals ready to come into the system, unfortunately, on our streets. So as the prison population decreases, our detention population is all contingent on what is arrested and brought in.

As all of us fight for gangs and drugs to be reduced, I see that population as continuing to come into detention, as we all aggressively address those issues that Congress has explained.

So I think we will still see them incoming. You will see the population go down in prisons, but you will see it come back up in detention. Thank you.

Senator BOOZMAN. Thank you, Mr. Chairman.

Again, thank you all for being here, very much.

Senator SHELBY. Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman.

I wanted to follow up on some of the early questions regarding the work that ATF is doing, following on the Law Enforcement Officers Protection Act.

This was, just for the subcommittee's recollection, a piece of legislation that was passed in 1986 by a 400–21 margin in the House of Representatives, passed by unanimous consent in the United States Senate. President Reagan said, upon signing it, that there are "certain forms of ammunition that have no legitimate sporting, recreational or self-defense use and, thus, should be prohibited."

It has always been tricky work to try to stay true to the act's intention of stopping criminals from killing law enforcement officers with specifically dangerous types of weapons, while also preserving the right of sportsmen and hunters to enjoy their pastime.

But I just want to first thank the ATF, you mentioned in your prepared testimony, for the amazing work that they did in and around the Sandy Hook shooting, but also just to relay a story.

I was in that firehouse mere hours after the shooting took place, and I had a law enforcement officer who was standing next to me remark that, in a way, he was glad that Adam Lanza took his own life, because he feared for the life and the safety of his officers should a shootout have occurred, given the ammunition, given the power of the weapons that were found on Mr. Lanza's possession. That speaks to why we passed this act in the first place.

So I wanted to just ask a follow-up question as to why we were considering this particular type of ammunition in the first place. It is my understanding that what has happened here over time, when we talk about these "green tips," is that they were initially exempt, in part because they were only used in rifles. But they now are able to be used in handguns.

And we look at handguns in a different way, given that they are much more likely to be used in an assault on an officer, and, in fact, the underlying legislation specifically references handguns as something that ATF should be looking at.

So I just think it would be helpful for us to understand why you got to the point of proposing that we take a new look at a type of ammunition that had been exempted, as you said, for a period of time.

It is used in a different way today. That is the reason for the relook, correct?

COMMENT PERIOD ON THE EXEMPT FRAMEWORK FOR ARMOR PIERCING AMMUNITION

Mr. JONES. Senator, I think it's important to remember that this 30-day period for public comment on a framework involves addi-

tional exemptions. The classification for that particular round, which is military surplus, which is 5.56 mm, 62-grain, steel core, following into the parameters of LEOPA as armor-piercing, was given. And it's had an exemption for 30 years. It has been on the market for that long. It has been available to folks for 30 years or more.

I think the challenge for us, separate and apart from how do we grant exemptions going forward, and given recent experience, it's probably not going to happen any time soon, is the evolution of firearms technology and some of the platforms, assault-rifle-based platforms, that have evolved over those 30 years, and the capabilities of those, and concealability of those. And, in fact, some of them that would qualify as pistol platforms create some challenges for us.

Now, I do believe that this is going to take work across-the-board, that this is not going to be something that ATF alone is going to do through a regulatory process. LEOPA is absolutely critical to officers' safety. I think everybody has concerns, if you are paying attention to some of the challenges there, the handgun phenomena, the crime gun phenomena, and the pistol phenomena.

But as we see more and more of the firearms that could be classified as pistols being able to use not just this M855 round, but any 5.56 mm round, it's a challenge for officer safety, and for public safety.

Bottom line, you all have an opportunity maybe to have a discussion that we would gladly help you with on LEOPA, because it was passed in 1986 and a lot has happened in the last 30 years.

Senator MURPHY. I appreciate it. My time has expired. I appreciate the answer to the question.

I'd just point out the genesis of the law to just remind folks, this was bipartisan at the outset. And as we perfect it, and, as you mentioned, this rule contemplates exempting far more types of ammunition than it involves prohibiting, that we should remember the bipartisan spirit in which we began this effort. Hopefully, we can regain that.

Thank you very much, Mr. Chairman.

Senator SHELBY. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman.

Senator MIKULSKI. Senator, could you withhold while I just say one word to Senator Boozman?

Senator CAPITO. Sure.

Senator MIKULSKI. This goes to heroin. I didn't know when you were leaving.

I think there is a real bipartisan interest on this subcommittee around this issue. DOJ is supposed to give me—not me, excuse me, that was the old days—give the subcommittee—a report, an interim report, because we asked for a task force.

When we get that, we will have a staff briefing so we can all be up-to-date and really have a concerted effort in it. I just wanted to say that.

Senator SHELBY. Senator Capito.

Senator CAPITO. Thank you. Thank you, Mr. Chairman.

I want to thank the witnesses. I apologize for missing your testimony. I was chairing my own subcommittee, and I wanted to make sure I got here.

But I also want to thank you for your service to our country. I appreciate it very much.

CRIMINAL JUSTICE INFORMATION SERVICES

Director Comey, we are extremely proud of the work being done by the Criminal Justice Information Services at the FBI facility in Clarksburg. Over the years, biometrics has been exceedingly useful to the FBI and its partners in the law enforcement and intelligence communities, not only to authenticate an individual's identity to confirm that you are who you say you are, but more importantly, to figure out who someone is by either a fingerprint left on a murder weapon or a bomb, for example, typically by scanning a database of records for a match.

The FBI Criminal Justice Information Services Division (CJIS) division has been a leader in biometrics and information-sharing for decades, and since the 1990s, the FBI has been saving the American taxpayers hundreds of millions of dollars by defraying the cost of running, automating, and modernizing its fingerprint repository, formally known as IAFIS.

But this budget seems to jeopardize those efforts. It includes an offset of $120 million for this important function.

Director Comey, can you tell this subcommittee what the impact would be and how this reduction could affect the FBI's ability to invest in the latest biometric technology, including facial recognition, iris scans, and DNA, just to name a few?

Mr. COMEY. Thank you, Senator. During my opening statement, I was bragging a little bit about my CJIS folks, because they are a hidden gem in the FBI. I believe they are the frame upon which hangs all of law enforcement.

The information we share, the identities we share, the DNA, all of it goes through that great facility there. And I am very excited we are going to open, very shortly, a biometrics facility with DOD that is going to make this country even safer.

I told them when I visited them, I said people don't know how cool you are here in West Virginia, and that is part of a testament to the quality of your work. You do it so well that everybody takes it for granted.

So I'm very excited about CJIS. They know how much I love and admire their work.

The answer is, I don't think that it will have an impact. There is an offset in the budget that is about additional moneys in the CJIS account that came from fee-for-service. The statute, as I understand it, restricts my use of that fund in certain ways.

I am looking for ways in which to use it consistent with the law. But my understanding is this $125 million, the loss of that will not affect next-generation identification, the DNA database, any of the great work we are doing out there. It is simply some extra dough that came in over time from fees being paid, that we can use to invest in additional information systems. But even if we are not able to, it's not going to affect the rest of the work.

Senator CAPITO. Well, that is good, because I think the modernization is something that is ongoing, changing forever. And we are extremely pleased to have the CJIS folks and the FBI in Clarksburg.

It has been a wonderful addition to our community, and we know how great it is out there, too, so I appreciate that.

I would like to ask Director Jones a question, because you also have a facility in West Virginia.

ATF'S MARTINSBURG, WEST VIRGINIA FACILITY

Mr. JONES. A wonderful facility.

Senator CAPITO. Yes. And there is an aspect of the budget, which I am pleased about and would like to ask you, regarding the investment of a proposed ATF tracing facility in Martinsburg. I think this would be an amplification of what was already existing there, but you are requesting an $8.1 million increase for the facility for a mixture of personnel and equipment software upgrades.

Can you discuss the work that is being done at the tracing center there, and why this increase would be justified?

Mr. JONES. Well, like Director Comey, I love our facility in West Virginia because it does such critical work to what we do. We have our National Firearms Act (NFA) branch there that processes the ever-increasing number of requests for NFA licenses. That has primarily been driven by silencers. We got almost a quarter of a million requests last year.

So that $8.1 million would do two things. One, it will allow us to add, permanently, 10 more legal instrument examiners that are crucial to processing the NFA, and we are making progress on cutting down the time. And it will give us money for contractors, because about half of our workforce in Martinsburg is contractors that not only do NFA licensing, they also do our crime gun-tracing.

And we have a Violent Crime Analysis branch, and our Firearms Technology branch is out there.

So that is kind of the heart of our gun work at ATF. It is out there in that Martinsburg facility.

Senator CAPITO. Okay, good. That is good news. I, certainly, would be supportive of that.

Well, I think I am out of time, but if I could make a quick comment, because I missed the discussion on heroin, and the ranking member mentioned that.

I am assuming that is in reflection of the rise of heroin, the rise in heroin overdoses, younger people being affected by this. Even in a small State like West Virginia, this is having some devastating effects. And I, certainly, would love to be a part of some preventive measures, either at the supply or demand side, to try to stop what we see happening and destroying lives all across this country.

So I want to be supportive of those efforts. Thank you.

Senator SHELBY. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

And thank you very much for your service and for being here this morning.

HEROIN

I guess I want to start with Administrator Leonhart, because I want to follow up on Senator Capito's comments, Senator Mikulski's comments, so many of the other comments that we have heard about the heroin epidemic around this country.

We are seeing it in New Hampshire and northern New England. In New Hampshire in the last 10 years, we have seen people admitted to State treatment programs increase 90 percent for heroin use, 500 percent prescription drug use. So it truly is an epidemic.

One police chief described it to me this way, he said, when we have someone shooting up at 2 o'clock in the afternoon in the parking lot of Target in Bedford, which is a very upscale community, we know we have a problem.

So we have a problem. What I am interested in is not which lanes people are in. I am interested in what coordination is going on between agencies.

Specifically, I have done a series of roundtables, meeting with law enforcement, treatment officials, and the medical community in New Hampshire, because one of the things that we have heard there is that the heroin abuse is the result of prescription drug abuse, and that one place where there is a breakdown in how we address this issue has to do with prescribing, and the medical community needs to be very involved in that discussion.

As far as I can tell at the national level, we are not doing as much as we should be doing. So can I ask you, or anyone on the panel, I suppose—Director Comey, you might have some thoughts about this.

But what are you doing to coordinate the efforts that your agency is engaging in? And how are you getting out information about those activities to local communities, the availability of grant moneys, what resources are available in local communities?

PRESCRIPTION DRUG ABUSE

Ms. LEONHART. I will start with that.

Yes, the Northeast especially, with the exploding prescription drug problem, what follows is the heroin problem. So what we have done and have done very well with our State and local partners in the Northeast is we have tactical diversion squads of diversion investigators, DEA agents, intel analysts, and State and local officers. They become the teams that are responsible for not only the prescription drug problem but also the rise in heroin abuse in those communities.

Senator SHAHEEN. And excuse me for interrupting, but are you working with the medical community, and with some of our medical colleges around the whole prescribing challenge? One of the issues is that doctors are not really given a lot of guidance on how to prescribe because it is a variable issue, depending on the disease, on the individual.

Ms. LEONHART. That is correct. It is the one drug problem that isn't just about law enforcement.

So there are a number of efforts. We have been at the table with medical professionals. We have gone out. We have had seminars. We have worked with our U.S. attorneys to bring the medical com-

munity, the law enforcement community, treatment and prevention people together. A number of those efforts have actually occurred in the Northeast.

But overprescribing is one of the major problems. In our work with the Department of Health and Human Services (HHS), the lane for the doctor's education falls with them. However, we have all partnered together and have offered training and we have actually gone out to schools.

Senator SHAHEEN. So how is that reflected in your budget? As you look at where your priorities are for addressing this issue, how would you rate the enforcement side versus the prevention and the outreach efforts that you are doing?

Ms. LEONHART. Thank you, Senator, for bringing that up, because there is a piece of our budget that this subcommittee could be very helpful with, and that is our DCFA part of the budget that handles diversion control.

With that budget, it will allow us to continue to do outreach. Part of that outreach is working with the medical associations and getting the word out. We put a number of things on our Web site. We give them training manuals, a number of things.

The budget for 2016, if we were to get that money, it will allow us to continue that outreach, as well as bring 50 additional diversion investigators and 50 additional special agents into the program.

Enforcement is just one piece. We feel that the public outreach is very important. And with our 66 diversion squads around the country, it allows them additional resources to be able to go out and reach the medical community, and is one of our priorities.

Senator SHAHEEN. Thank you.

Thank you, Mr. Chairman.

Senator SHELBY. Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman, and Ranking Member Mikulski.

And thank you to our panel of witnesses for your service and commitment of the men and women you lead.

I want to follow right on this line of questioning with Administrator Leonhart.

VETERANS ADMINISTRATION

Reports indicate that the DEA is investigating drug diversion from a Veterans Affairs medical facility in Tomah, Wisconsin. This facility is also the subject of a broader Veterans Administration (VA) investigation into opioid and benzodiazepine prescribing practices and management issues at the medical facility.

Of course, the VA is itself a Federal agency, and the possibility that illicit drug use and sale may be fueled in part by the Federal Government is just extremely troubling.

I look forward to discussing your investigation into the Tomah facility during the closed session. But I have two related questions for this session.

Has the DEA identified VA medical facilities as a potential source of illicit opioid drug distribution?

Ms. LEONHART. In this setting, I am not going to be able to talk specifically about Tomah. But I will say, in general, that we are

concerned with any medical facility that is contributing to diversion and contributing to prescription drug abuse.

We have the authorities. We have regulatory authorities and administrative authorities that we have used, and we will use, whether it is a VA facility or not.

So we share your concerns, especially when this is regarding our treatment for our veterans.

DRUG ABUSE

Senator BALDWIN. You noted in your testimony that prescription drug abuse, and particularly prescription of opioids, has become a national crisis. The Centers for Disease Control and Prevention (CDC) has reported that more than 16,000 people died using prescription opioids. That is about 37 percent of all drug overdose deaths in the United States during the calendar year 2013.

Experts see a direct connection between this and the increase in heroin use and overdose deaths. We have heard some of my colleagues cite local numbers and tragedies in this regard. In Wisconsin, in Milwaukee County alone, we saw a 72 percent increase in heroin-related deaths from 2013 to 2014, just 1 year.

So I know you have been asked this in many different ways, but what is your overall strategy or overarching strategy that we need to know about for cracking down on prescription drug diversion and heroin abuse? And does your budget request include sufficient funding to meaningfully reduce drug diversion and heroin abuse?

Ms. LEONHART. Thank you, Senator. Yes, if you support the budget request, it will allow us to continue at the DEA to prioritize heroin and prescription drug abuse.

We can't separate the two. You are absolutely correct that the prescription drug abuse has led to a heroin epidemic.

The funds that we are asking for in the 2016 budget allow us to do a number of things. One is continue expansion of our tactical diversion squads. Those are the squads that are going to be able to go into communities, not just our big cities, but we have actually started to move these out into smaller cities, and pockets of the country that have had severe prescription drug problems.

We are working those problems, and we are also able to, both on our diversion side and our enforcement side, work on those organizations that are taking advantage of the addiction in these areas, moving drugs into those communities, and working with our State and local partners, our other Federal partners, and where to take off those distribution organizations.

At the same time with our diversion control personnel, we are using every tool we have in the toolbox, including regulatory authority, and administrative authority. We have pumped up the regulatory side to make sure that they are out doing cyclical investigations. We are focusing on the entire string, so from the manufacturers to the distributors, pharmacies, doctors, you name it.

A piece we are also concentrating on is educating the public. There are certain tools that doctors should be using, pharmacists. It's important for them, the Prescription Drug Monitoring Programs (PDMPs). We now have 49 States that have either passed laws for PDMPs or have them in use. We understand Missouri, the last State, has just passed or there is a bill being looked at.

Using every tool to include disposal and getting the drugs out of the medicine cabinet, has been very important in this fight. So it's not just enforcement. It's not just the outreach. It's hitting at each and every level to be able to take care of the prescription drug problem. We have seen over the last year to year and a half, it began to level off. But that heroin problem continues to rise.

Then our international folks play a huge role here, because the majority of heroin that is hitting your streets is coming from Mexico and is being trafficked by those same organizations that are bringing coke, meth, marijuana, you name it, to your communities.

These are the same organizations. They are polydrug organizations. And we have partnered with our counterparts in Mexico, who now, over the last year, have really taken a look at the heroin problem. They see the role that they play, and we have actually done some very good work together with them to focus on the problem.

Senator SHELBY. Thank you.

Senator Coons.

Senator COONS. Thank you, Mr. Chairman.

I'd just like to follow on some of the questions you have been fielding, Administrator, and say how grateful I am for your focus.

Highly potent, inexpensive, widely available heroin is now killing many people in my hometown of Wilmington, Delaware, and across my State. We have 15 deaths per month from overdoses. It is touching all backgrounds, all income levels, all communities.

We are eager to work in partnership with you and all of Federal law enforcement in finding more effective models for diversion, for treatment, for interdiction, and for the prosecution of the related crimes. It is something that is a significant challenge for our community, as it is from Baltimore to Miami to Wisconsin, all over our country. We really are seeing a significant shift from the prescription drug epidemic into heroin.

VIOLENCE REDUCTION NETWORK

Let me turn, if I might, to a program that has been mentioned before by Senator Boozman, the Violence Reduction Network. The five cities that are participating in the first round are Oakland, Chicago, Detroit, Camden, and Wilmington, Delaware.

I am grateful for the opportunity to talk with you about it, the Office of National Drug Control Policy, which is under the Financial Services Subcommittee and their HIDTA program is also newly engaged in the work Wilmington, Delaware.

Despite our very small size, relative to Detroit or Chicago, Wilmington has one of the highest rates of violent crime and murder in the last few years. And a newly energized and engaged mayor, police chief, State-wide elected officials, and community leaders are tackling this challenge effectively.

But I would love to hear from each of you, and I will invite you to start, Director Jones, if you might, what you are hearing about progress in Wilmington, what you think are the resource challenges that might remain, and if you have any input for me on what is going to be critical to turning the corner.

The reports I am hearing so far about the Federal role is very positive, and so my simple input is to say thank you for the resources being delivered, the advice, the mentorship, and the guid-

ance to my hometown. But if there are other things that I need to hear or things we can do to strengthen this network, I would really appreciate hearing it.

Director.

Mr. JONES. Well, one of the exciting things about the VRN, the Violence Reduction Network, is it will give us an opportunity to enhance the collaborative effort. I think in Wilmington, Delaware, and I have been up there, I have met with our resident agent. We are having some enhancements in terms of permanent personnel, which is a big part of our request in this budget, to get us healthy in terms of our special agent cadre.

We are starting to see results when we have groups like the one in Wilmington that have been working for a long time in single digits, and we enhance it with task force officers, who in the past were barely holding it together, and we actually get new ATF agents up there.

Our focus in Wilmington is really twofold. One is partnering with the police department to make sure that when there are shooting incidents, that we are on them very fast and following leads to identify the trigger-pullers.

The other aspect where we have had some success, not only in Wilmington, but up and down the Eastern seaboard, are with the traffickers and the Iron Pipeline up I–95, where there are guns that are available in some, quote, unquote, "source States" that travel up—and Wilmington is along the pipeline—to do what we can to disrupt the firearm trafficking networks.

We have had some success recently in Wilmington with people who are essentially unlicensed dealers, for lack of a better term. So that effort, focusing on crime guns, draining the crime gun pool, helping the local police department identify trigger-pullers through leveraging technology like NIBIN, and training folks so it's sustainable, really is the short-term focus of our efforts.

Senator COONS. Thank you, better ballistics training, use of gun stats, better use of data analysis, regional partnerships, I hear that all of those have been making a difference, and I am grateful for your personal engagement.

I have relatively little time left, if any of the three of you would like to contribute to it, I would really appreciate it.

Mr. COMEY. Senators, I hope you know, in our Wilmington office, we have a 22-member Violent Gang Safe Streets Task Force that is part of the Violence Reduction Network effort.

As Director Jones said, we are trying to focus on the trigger-pullers who are part of these neighborhood-based gangs, might not be big, fancy national gangs, but thugs who are a set or crew in a particular neighborhood. We are trying to be strategic, work with the intelligence that the locals are generating, focus on those, and rip them out of the community, with the hope that the good people will fill in the space and make that community safer.

So I have 22 folks focused on it. It is too early for me to be able to tell you what success we have had, but it's something we will watch closely.

Senator COONS. And the CDC has recently completed a fairly thorough review of the dataset from a public health perspective, as well as from a criminal justice perspective, of who is the universe

of folks who are actually committing the violent crimes, where are they coming from, what is their background, what interactions do they have with education, with health care, and with law enforcement.

It has been fascinating dataset that the Governor and his cabinet and I sat down and went through the other day.

Do I have time Mr. Chairman, if the director wants to offer one more answer?

Director.

Ms. HYLTON. Thank you very much. I would like to, as it relates to the VRN, the Violence Reduction Network, we have an operation ongoing now that is borne out of that effort.

We are particularly focused on the larger cities or tri-city areas, and we are operating out of Camden, Philadelphia, and Wilmington, trying to assist you with that.

I am pleased to report, after 1 week of this operation, we have over 684 violent criminals arrested, particularly, 89 of them are gang members, 134 of them are sex offenders. There has been 48 of them that are related to homicides.

So we work with the States and locals to bring those warrants in, and then, of course, we are able to share fugitive information across other investigative agencies.

So I think the earlier questions of how we interface with each other, that is the work that we push out back and forth to each other.

Twenty-seven firearms were seized, 1.86 kilograms of narcotics were seized, and over $47,000 currency. That is all a part of dismantling some of these organized criminals, opportunists, that are seeking to push drugs out.

So I think that collective work is really starting to prove beneficial in the violent reduction across the cities.

We are focused, as Director Comey says, all of us, on attacking the corridors that run. So it's not only just the major cities. Camden can put out 400 officers, but at the end of the day, all it does is push it out to Wilmington.

The Marshals Service is particularly focused on those smaller law enforcement agencies to get in there and bolster them on removing the fugitives, at least, so they can put their efforts greater into the investigation piece to dismantle.

Thank you.

Senator COONS. Well, we are grateful for your partnership and support.

Senator SHELBY. Thank you, Senator Coons.

I have a couple of questions that I want to submit for the record. One deals with Adam Walsh Act funding and the other is the DEA international drug enforcement priorities. I would submit them for the record, and ask you to hopefully get them back to us within 30 days.

Senator SHELBY. Senator Mikulski.

Senator MIKULSKI. Thank you very much, Mr. Chairman.

I know we are now moved to the classified hearing. I, too, have questions for the record.

I just want to say again to the men and women who work at these wonderful agencies, we want to thank them not only for the

service they do, but we want to thank them that there are people in the United States of America who want to do this work, who really want to do this work. And we owe them a debt of gratitude, and, therefore, my comments about lifting domestic budget caps was not political grandstanding, that if we are going to lift the caps in defense to defend America, there is a lot of defense right here in our country for our communities.

The second thing is, the issues of the Appropriations Committee, related to hiring and then sustaining the people we hire.

And my point last point is technology. I am really proud of the labs and other technology uses we make in our agencies. I think really about 9/11, in that the Maryland State troopers stopped one of the terrorists. But at that time, the databases were so skimpy, you knew more about a deadbeat dad than somebody who was planning this horrific attack on the United States. That has changed.

And when we looked at the sniper, the Beltway snipers, when this whole community came to a standstill, when somebody who worked at the FBI in the supportive service was killed coming of Home Depot, this community, I mean we are all victims of crime. This whole area stopped.

We didn't know, was this terrorism? We didn't know if these were multiple killers. But thanks to this lab, and the way we could work with the FBI, we were able to have local law enforcement in charge, and we were able to catch the people of these terrible acts.

So what you do, and I could through each and every one, is just amazing. We really need to support you, and I look forward to doing it.

Senator SHELBY. Senator Shaheen, you have another question?

Senator SHAHEEN. Actually, I have a comment that I would like to make to follow up on something that Administrator Leonhart said, because I was just in a hearing in the Armed Services Committee with the general who is the head of Southern Command.

One of the things she was talking about was the their work to interdict drugs coming into Central America and Mexico, and the impact that additional sequestration cuts are going to have on their ability to continue with that interdiction and support those countries in Central America that are trying to, and Mexico, that are trying to address this effort.

I just think it's important for us to recognize that that is going to have a huge impact on the efforts, if those cuts go forward, the impact on the national security side, because of the drugs coming in. But that will then have an impact on the work that you are trying to do, that all of you are trying to do, if we can't address and roll back those cuts from sequestration.

So I thought it was important, Mr. Chairman, to point out that this has huge domestic potential impact.

Thank you.

Senator SHELBY. Thank you.

I thank the witnesses, but we will now temporarily recess and reconvene in closed session, as soon as we can get back over to the Capitol.

ADDITIONAL COMMITTEE QUESTIONS

[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. JAMES B. COMEY

FEDERAL BUREAU OF INVESTIGATION

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

STOPPING HUMAN TRAFFICKING AND PEDOPHILES

Question. What is the FBI doing to stop human and sex trafficking in the United States? What additional resources are needed by the FBI to put traffickers out of business?

Answer. The FBI takes a victim-centered approach in conducting its human trafficking investigations. All efforts are taken to ensure victims are identified and provided necessary services. Through approximately 70 FBI-led Child Exploitation Task Forces (CETF), the FBI collaborates with nearly 400 State, local, and Federal law enforcement partners to identify and prosecute those individuals, enterprises, and businesses that exploit children, including those who facilitate the domestic sex trafficking of children. As of April 2015, the joint efforts of these groups have resulted in approximately 4,550 child recoveries and the conviction in State and Federal courts of nearly 2,000 child sex traffickers.

The FBI also takes part in over 120 Human Trafficking Task Forces and Working Groups to rescue adult victims of trafficking in persons. In these task forces and working groups, the FBI partners with other Federal, tribal, State and local law enforcement agencies, and their respective victim services components. These efforts often require working with various non-governmental organizations to ensure the rescued individuals are provided with whatever is necessary to restore their human dignity, irrespective of their willingness to cooperate in prosecution efforts.

Recognizing the complexity of many human trafficking investigations, the FBI—in coordination with its Federal, tribal, State and local partners—routinely uses myriad investigative techniques to dismantle human trafficking organizations. Intelligence collection is a large aspect of human trafficking investigations. Intelligence Analysts assess human trafficking data enabling analysis of current and past trafficking data.

Question. What assistance does the FBI provide to the victims of sex trafficking after an event like Operation Cross Country? What is being done to ensure these women and children are treated like victims, not criminals, by law enforcement?

Answer. In Federal cases where a victim has been identified, crisis support is provided and medical treatment is offered. Once a victim is recovered, an FBI Victim Specialist (VS) is introduced and provides food, hygiene items, and clothing for the victim, in an effort to preserve the victim's dignity and offer comfort during interactions with law enforcement.

FBI Victim Specialists (VS) possess specialized knowledge and skills on helping both adults and minors victims of sex trafficking. From providing on-scene crisis intervention to assisting families or guardians in considering specialized treatment options, a VS assesses the needs of the individual and works with local, State and Federal agencies to provide resources and opportunities to the victim. For example, if a minor is placed in residential treatment, the VS stays in contact with providers and guardians to keep communication open with the victim and to work within the team to coordinate any future investigative needs that does not jeopardize the victim's mental health. The VS also works with the U.S. Attorney's Office to facilitate support throughout the court process.

QUESTIONS SUBMITTED BY SENATOR MARK KIRK

COMBATING TERRORIST GROUPS

Question. What is the FBI doing to ensure we have Arabic speaking FBI staff located at high-threat locations, like Chicago?

Lead-in information from original document.—

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. The FBI's Foreign Language Program works closely with the FBI's operational divisions to prioritize workload across divisions and intelligence domains as a reflection of those priorities. With a centralized management structure and a decentralized Arabic linguist workforce, the FBI directs Arabic language processing efforts across the Nation, focusing on operations in priority order as identified by the FBI's operational divisions, irrespective of geography. In addition, the FBI works to identify Field Offices, including Chicago, where there is an ongoing requirement for special agents with Arabic language skills. The FBI considers these unique language needs as a factor when assigning special agents to these offices. As a matter of policy, all counterterrorism materials must be reviewed regardless of tier, and the highest priority materials must be reviewed within specified timeframes, depending on the availability of linguists proficient in the languages required.

Question. Is the FBI working to recruit additional Arabic speakers?

Lead-in information from original document.—

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. In an effort to address the Arabic language needs of the FBI, the Bureau's Foreign Language Program pursues a number of initiatives to recruit from ethnic Arabic and heritage speaker communities. The FBI continues to provide training for special agents in Arabic and has recently renewed an incentive program for foreign language use to develop in-house capacity.

The FBI has been and continues to be successful in hiring new linguists in most languages, including Arabic. The FBI devised and implemented a workforce planning model with recruitment efforts targeted toward languages where there is a shortfall, particularly in those languages and dialects needed for higher priority investigations. The FBI also harnesses the flexibility of a mixed labor force of linguists consisting of full-time Government employees and contract linguists. Challenges to hiring Arabic linguists with specialized dialects or skills include competition between multiple Government agencies and private companies for the limited pool of such qualified linguist applicants.

Question. How is the FBI currently monitoring social media to ensure high-profile target cities like Chicago are safe?

Lead-in information from original document.—

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. The FBI uses many avenues to ensure the safety of communities nationwide; however, the FBI is bound by guidelines issued by the Attorney General that establish a consistent policy on when an investigation may be initiated. Through these guidelines, the FBI obtains authorization to collect information. The facts are analyzed and then used to prevent criminal or terrorist activity and, whenever possible, to aid in the arrest and prosecution of persons or groups who have violated the law.

NATIONAL GANG INTELLIGENCE CENTER (NGIC)

Question. When will the NGIC produce another reliable assessment with data on gangs of national significance?

Lead-in information from original document.—

The National Gang Intelligence Center (NGIC) has received bipartisan and bicameral Congressional support despite being recommended for closure in the President's budget. The NGIC is not only a tool for law enforcement, but also the Gang Threat Assessments the NGIC produces help Congress identify threats and build coalitions around fighting gangs of national significance. The NGIC has not released an assessment since 2013, and has not released reliable gang member location data since 2010.

Answer. The NGIC produces the National Gang Report bi-annually. The most recent National Gang Report was published in 2013. The NGIC is now conducting

analysis on survey data and other sources to produce the 2015 National Gang Report. The anticipated release date is Fall/Winter 2015.

Question. Going forward, how will the FBI utilize the NGIC in its overall strategy to fight gangs of national significance?

Lead-in information from original document.—

The National Gang Intelligence Center (NGIC) has received bipartisan and bicameral congressional support despite being recommended for closure in the President's budget. The NGIC is not only a tool for law enforcement, but also the Gang Threat Assessments the NGIC produces help Congress identify threats and build coalitions around fighting gangs of national significance. The NGIC has not released an assessment since 2013, and has not released reliable gang member location data since 2010.

Answer. The FBI utilizes the NGIC as an integrated intelligence resource for identifying the growth, migration and criminal networks of gangs that pose a significant threat to communities throughout the United States. The NGIC supports participating agencies' gang investigations by providing remote and on-site analytical support to drive investigations. The FBI also utilizes the NGIC to conduct gang-related training to Field Office personnel and local law enforcement.

NGIC is a multi-agency gang "fusion center" and assists local, State and Federal agencies in coordinating and analyzing gang intelligence and serves as a focal point in obtaining gang-related intelligence information. NGIC plays a critical role in supporting the 164 Safe Streets Violent Gang Task Forces across the country. NGIC analysts assist in providing both strategic and tactical intelligence products on gang activity throughout the Nation. NGIC plays a critical coordination role in obtaining and disseminating Bureau of Prison and Correctional Intelligence through its Correctional Intelligence Task Force.

ONLINE SEX TRAFFICKING

Question. During what span of years and how many times has the FBI raided and closed sex trafficking Web sites?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The FBI continuously assesses various online platforms/Web sites for their involvement with child sex trafficking and works with Federal prosecutors to bring cases against those who violate relevant Federal statutes. In 2014, the FBI seized myredbook.com and sfredbook.com. The seizure of these sites was the culmination of several years of investigative work and complex legal analysis. Eric Omuro, the owner of the sites pleaded guilty to using a facility of interstate commerce with the intent to facilitate prostitution. On May 21, 2015, Omuro was sentenced to 13 months in prison. As part of his plea agreement, Omuro agreed to forfeit more than $1.28 million in cash and property as well as the sfRedBook.com and myRedBook.com domain names. According to an affidavit submitted in connection with the sentencing hearing, the FBI identified more than 50 juveniles who were also advertised on myRedBook for the purpose of prostitution. Furthermore, despite being contacted by NCMEC in 2010, myRedBook never registered to participate in the center's CyberTipline, which receives leads and tips regarding suspected crimes of sexual exploitation committed against children, and never communicated with NCMEC.

Question. How does the FBI use Backpage.com as a tool to investigate sex trafficking?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking

and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The FBI reviews open source data for information that might be of evidentiary value to existing cases and/or justify the initiation of new cases.

Question. Has the FBI subpoenaed Backpage.com regarding sex trafficking?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Yes. In investigations relating to Federal child sexual exploitation offenses, the FBI has the authority to issue and serve administrative subpoenas to seek information specified in 18 U.S.C. Section 2703(c)(2); that is: the name; address; local and long distance telephone connection records, or records of session times and durations; length of service (including start date) and types of service utilized; telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and means and source of payment for such service (including any credit card or bank account number), of a subscriber to or customer of such service. The FBI has used this valuable investigative tool to obtain such information from Backpage.

Question. Please describe the FBI's assessment of Backpage's level of cooperation that Backpage provides to the FBI.

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Backpage.com has been served with legal process in various investigations of individuals involved with ads on that Web site, and they have responded to these legal orders.

Question. How many FBI agents has the FBI assigned to combat sex trafficking?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. In fiscal year 2015, the FBI has approximately 90 agents dedicated to the investigation of human trafficking offenses, including approximately 10 agents dedicated to investigating child sex tourism offenses.

Question. In the FBI's analysis, is the FBI better able to combat sex trafficking with Backpage operating in its current form or with the FBI raising and closing Backpage?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The question assumes that there is currently sufficient evidence of criminal conduct to support a search and seizure of Backpage. The FBI cannot comment on this assumption. In general, the FBI does not confirm or deny the existence of any pending investigation nor does it comment on hypotheticals.

Question. Over the last 3 years, how many sex trafficking victims has the FBI been involved with rescuing per year?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Due to the nature of adult sex trafficking cases, the fine line which can often be blurred between trafficking and prostitution for the worker, and the difficulty in bringing these cases to prosecution, generating an accurate number of adult victims rescued during any given year would not be representative of the FBI's work to combat this threat. However, between fiscal year 2012 and fiscal year 2014 the FBI has opened over 1,000 human trafficking cases, in which approximately 70 percent of these opened cases have a sex trafficking nexus (250 cases in 2012, 248 cases in 2013, 308 cases in 2014 and 239 in 2015 as of August 13, 2015). Additionally, from fiscal year 2012 through fiscal year 2014, the FBI averaged more than 750 child rescues per year (approximately 600 in fiscal year 2012, approximately 850 in fiscal year 2013, and approximately 900 in fiscal year 2014).

Question. What are the top five Federal districts with the greatest number of sex trafficking investigations?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Human trafficking efforts are encompassed in several different units at the FBI. The Civil Rights Unit is responsible for human and sex trafficking of adults, whereas the Innocence Lost National Initiative (within the Violent Crimes Against Children program) is responsible for trafficking of minors. The FBI tracks case statistics based on FBI Field Office jurisdictions, rather than Federal districts, and therefore cannot provide the top five Federal districts. However, in total, from fiscal year 2004 through fiscal year 2014, the FBI initiated more than 1,600 investigations and more than 650 individuals were convicted of human trafficking violations.

Question. In the Northern District of Illinois during 2009–2014, the FBI has conducted how many sex trafficking investigations?

Lead-in information from original document.—

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The FBI does not track cases by judicial district. However, between fiscal year 2009 and fiscal year 2014 the FBI Chicago field division has conducted 199 sex trafficking investigations. This encompasses both child and adult victims.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

ISIS CYBER HACKING

Question. How is the FBI handling our Nation's cyber security breaches, especially the cyber hacking led by ISIS?

Answer. Based on the results of the FBI's investigations and collaboration with our U.S. Government and international partners, the FBI assesses, as of April 2015, the Islamic State of Iraq and the Levant (ISIL) has a low capability to conduct offensive cyber operations with the potential to affect U.S. networks and damage critical U.S. infrastructure. An "Islamic State Hacking Division" claimed to have hacked "U.S. military databases" and released the names and addresses of 100 U.S. military members on various social media and file sharing sites on 20 March 2015. However, actual compromise of U.S. networks has not been confirmed; the material appears to have originated from open sources.

Over the past 6 months, the FBI has observed an increase in pro-ISIL extremist hackers carrying out nuisance attacks against vulnerable public websites and social media accounts, disrupting those sites for short periods of time and/or using the access to those accounts to post pro-ISIL imagery and propaganda. These hackers, while espousing views in support of ISIL, are not believed to have connections with, or receive any direction from, ISIL leadership.

FBI WHISTLEBLOWERS GAO REPORT

Question. According to GAO, compared with other Federal agencies, FBI whistleblowers have less protection against retaliation by management, the GAO and current procedures could discourage whistleblowing." Is the FBI moving forward and reforming this policy?

Answer. The FBI has two policies related to whistleblower protections. Among other things, our policy entitled "FBI Whistleblower Policy" (policy directive 0272D) identifies the types of protected disclosures (reports of mismanagement, gross waste of funds, abuse of authority, substantial and specific danger to public health or safety, and violation of any law, rule, or regulation), the authorities to whom protected disclosures are made, and the responsibility of FBI managers to ensure that whistleblowers are not subject to reprisal.

A more recent policy provides additional protections. The purpose of the 2014 policy entitled "Non-Retaliation for Reporting Compliance Risks" (policy directive 0727D) "is to provide an effective process for all Federal Bureau of Investigation (FBI) personnel to express concerns or report potential violations regarding the FBI's legal and regulatory compliance, without retaliation, and to encourage the reporting of any such concerns." This policy emphasizes that "[t]he FBI is committed to creating and sustaining a culture of compliance that promotes open communication, including open and candid discussion of concerns about compliance with applicable laws, regulations, and Department of Justice (DOJ) and FBI policies" (Section 8.1.1) and makes clear that "FBI personnel are strictly prohibited from retaliating against anyone for reporting a compliance concern" (Section 8.1.2). Protected compliance concerns may be reported to: the FBI Office of Integrity and Compliance (OIC), the OIC Helpline (which accepts anonymous calls), division compliance officers, the Division Compliance Council, or any supervisor in the reporting employee's chain of command. This policy explicitly provides that it "does not add to, or subtract from, the whistleblower protections provided to FBI personnel under 5 U.S.C. § 2303, the DOJ regulations set forth in 28 CFR Part 27, Intelligence Community Directive (ICD) 120, or Policy Directive (PD) 0272D, *FBI Whistleblower Policy*." (Section 8.5.1.)

The FBI believes that whistleblowers play an important role in discovering and preventing waste, fraud, and abuse in the Government. The FBI is working with the Department to improve the process for adjudicating claims of retaliation. These changes will ensure that the Department has a fair and efficient process for adjudicating these claims, and include expanding the list of persons to whom a protected disclosure may be made.

HUMAN TRAFFICKING LEGISLATION

Question. As you may know, the Senate is currently considering human trafficking legislation. I don't think many people realize the scope of this issue in our own country. Can you discuss FBI initiatives to combat human trafficking? What can Congress do to help?

Answer. In 2003, the FBI, in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children (NCMEC), launched the Innocence Lost National Initiative (ILNI).

Through approximately 70 FBI-led Child Exploitation Task Forces (CETF), the FBI collaborates with nearly 400 local, State, and Federal law enforcement partners to identify and prosecute those individuals, enterprises, and businesses that exploit children, including those who facilitate the domestic sex trafficking of children. As of April 2015, the joint efforts of these groups have resulted in approximately 4,550 child recoveries and the conviction in State and Federal courts of nearly 2,000 child sex traffickers. In support of the ILNI, the FBI is currently engaged in a significant project to improve its technical capabilities in identifying online indicators of child sex trafficking. This tool will more effectively compare open source data with existing law enforcement and non-governmental organizations (NGO) databases.

The FBI participates in over 120 Human Trafficking Task Forces and Working Groups to address sex and labor trafficking of adults in the United States and abroad, where appropriate, such as a link to victimization of individuals in the United States. These task forces and working groups partner with Federal, tribal, State and local law enforcement entities, as well as NGOs to assist investigations, prosecutions and with providing victim services. Each FBI Field Office has personnel assigned to investigate human trafficking cases. Additionally, Field Office and headquarters personnel regularly conduct training on human trafficking awareness and investigation. Audiences of such training include Federal, tribal, State and local law enforcement officers, government personnel, NGOs, victim service providers, community leaders, immigration aid workers, medical personnel, hospitality industry workers, faith-based organizations and students at the high school and collegiate level.

The FBI is currently engaged in numerous national initiatives designed to address sex trafficking in the U.S. associated with massage parlors, and trafficking from abroad, particularly via Transnational Organized Crime organizations. Additionally, in partnership with the Departments of State and Homeland Security, the FBI is part of an initiative to train personnel in various embassies and diplomatic posts around the world in an effort to address potential human trafficking before potential victims travel to the U.S. This initiative will also enhance cooperation between U.S. law enforcement personnel abroad and their host-nation law enforcement and NGO partners.

The FBI will continue to update Congress on the status of ongoing programs and looks forward to working together to address Human Trafficking issues.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

FBI SURVEILLANCE TECHNOLOGY

Question. Under the FBI's current policies relating to the use of cell-site simulators, how many times has the FBI employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

Lead-in information from original document.—

> Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. On September 3, 2015, the Department of Justice announced a new policy for its use of cell-site simulators that will enhance transparency and accountability, improve training and supervision, establish a higher and more consistent legal standard and increase privacy protections in relation to law enforcement's use of this critical technology.

The policy, which applies Department-wide, will provide Department components with standard guidance for the use of cell-site simulators in the Department's domestic criminal investigations and will establish new management controls for the use of the technology. Cell-site simulator technology has been instrumental in aiding law enforcement in a broad array of investigations, including kidnappings, fugitive investigations and complicated narcotics cases. This new policy ensures the Department's protocols for this technology are consistent, well-managed and respectful of individuals' privacy and civil liberties.

To enhance privacy protections, the new policy establishes a set of required practices with respect to the treatment of information collected through the use of cell-site simulators. This includes data handling requirements and an agency-level implementation of an auditing program to ensure that data is deleted consistent with

this policy. For example, when the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is located, and no less than once daily. Additionally, the policy makes clear that cell-site simulators may not be used to collect the contents of any communication in the course of criminal investigations. This means data contained on the phone itself, such as emails, texts, contact lists and images, may not be collected using this technology.

While the Department has, in the past, obtained appropriate legal authorizations to use cell-site simulators, law enforcement agents must now obtain a search warrant supported by probable cause before using a cell-site simulator. There are limited exceptions in the policy for exigent circumstances or exceptional circumstances where the law does not require a search warrant and circumstances make obtaining a search warrant impracticable. Department components will be required to track and report the number of times the technology is deployed under these exceptions. To ensure that the use of the technology is well managed and consistent across the Department, the policy requires appropriate supervision and approval.

Question. Since 2001, how many cell-site simulators has the FBI purchased or obtained from another Government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the FBI's cell-site simulators?

Lead-in information from original document.—

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Question. Does the FBI maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

Lead-in information from original document.—

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I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. The FBI uses its license plate readers (LPR) as an investigative technique. FBI LPR systems may only be deployed in support of predicated investigations, and there must be a reasonable belief that LPR will aid that investigation. Deployment must be approved by the investigating Field Office's Chief Division Counsel and a Supervisory Special Agent.

By default, records are retained for 90 days. Records deemed as pertinent to the investigation may be retained for up to 25 years, or as needed by the investigation. All other records are permanently discarded after the 90 day retention period has expired.

Currently, the FBI has approximately 140 LPR cameras throughout the U.S. which are deployed as required to support specific investigations. No external agency currently has access to the FBI's LPR database.

PRIVACY IMPACT ASSESSMENT

Question. Has the FBI conducted a PIA of its domestic drone use?

Lead-in information from original document.—

Under the E-Government Act of 2002 and Justice Department guidelines, the FBI is required to conduct and release a Privacy Impact Assessment (PIA) prior to deploying new technologies that collect, maintain, or disseminate personal information. While an interim DOJ OIG report in 2013 indicated that the FBI has been deploying drones to support its mission since 2006, the FBI has either not developed, or failed to release a PIA. By comparison, the Department of Homeland Security has publicly released two PIA's of its drone operations.

Answer. No, the FBI continues to work with the DOJ Office of Privacy and Civil Liberties to evaluate the privacy implications of its investigative techniques to determine when or if a PIA is required.

Question. If so, please provide copies of all PIA's and if not, please explain why a PIA has not been conducted.

Lead-in information from original document.—

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Answer. The FBI is fully committed to transparency while protecting information whose release could compromise law enforcement efforts or national security, as indicated in President Obama's Memorandum. Currently, UAS are used in a way such that they provide the same information that was available through the use of manned aircraft. Were this to change, a legal review would be conducted first, in order to ensure compliance with relevant statutes, regulations, the President's memorandum, and FBI policies. The FBI continues to work with the DOJ UAS working group, which includes the DOJ Office of Privacy and Civil Liberties, to identify UAS issues and develop all appropriate guidelines. A PIA exists for the Sentinel system, which is the only system which retains UAS information, as does a System of Records Notice (SORN) for the Central Records System. Both of these are publicly available and speak to the FBI's treatment and storage of its investigative records. The FBI continually evaluates the privacy implications of its investigative techniques.

Question. Will you commit to making any past and all future PIA's publicly available?

Lead-in information from original document.—

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Answer. The FBI is committed to making PIAs available as required by law. Any PIAs released by the FBI will be available on both the FBI's and DOJ's public Web site.

SENATE JUDICIARY QUESTIONS FOR THE RECORD FROM 2014

Question. Please provide answers to those questions as soon as possible.

Lead-in information from original document.—

On May 21, 2014, you appeared before the Senate Judiciary Committee to testify for the first time as Director of the FBI. I submitted several questions for the record, stemming from testimony by former Director Mueller on the FBI's use of drones, inquiring about measures the FBI was taking to protect Americans' privacy rights. To date, I have yet to receive a response to those questions.

Answer. The FBI's responses to the May 21, 2014 Questions for the Record were provided to the Senate Judiciary Committee by DOJ on July 2, 2015.

MEMORANDUM ON UNMANNED AIRCRAFT SYSTEMS

Question. As the FBI works to implement these measures, please provide clarification on the Bureau's interpretation of this memorandum.

Lead-in information from original document.—

On February 15, 2015, President Obama signed a Memorandum on Unmanned Aircraft Systems, establishing principles to oversee the Government's use of domestic drones. The guidelines include important transparency measures and rules to ensure that privacy protections keep pace with new technologies. However, the transparency provision contains an exception for law enforcement and the privacy protections section fails to define what constitutes new drone technology.

Answer. The FBI is fully committed to transparency while protecting information whose release could compromise law enforcement efforts or national security, as indicated in President Obama's Memorandum and the Department of Justice's Policy Guidance. Currently, UAS are used in a way such that they provide the same information that was available through the use of manned aircraft. Were this to change, a legal review would be conducted first, in order to ensure compliance with relevant statutes, regulations, the President's memorandum, and FBI policies.

As with any investigative technique, the use of UAS must balance the intrusiveness of the technique against investigative needs. Additionally, the use of UAS must be approved by an Assistant Special Agent in Charge or someone with equivalent (or greater) seniority, and the FBI's Senior Component Official for Privacy must conduct an annual review of the FBI's use of UAS.

QUESTIONS SUBMITTED BY SENATOR TAMMY BALDWIN

PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Question. Please describe how the FBI will incorporate the recommendations of the President's Task Force on 21st Century Policing into its existing training programs for State and local law enforcements, in particular those recommendations related to improving community relations, developing appropriate use of force standards, encouraging the adoption of "least harm" preferences and the use of less than lethal technology, and addressing racial and other profiling and bias in policing.

Lead-in information from original document.—

The interim report of the President's Task Force on 21st Century Policing provides numerous recommendations to Federal law enforcement and other agencies, including the FBI, to help change law enforcement culture, increase community collaboration and engagement, develop new technology, support training, and promote officer safety and wellness. As trusted partners to State and local law enforcement, FBI and the Justice Department have a unique opportunity to leverage their expertise and resources to help drive change in law enforcement at all levels and throughout country.

Answer. The FBI will continue to work with DOJ and the administration to implement the recommendations of the President's Task Force on 21st Century Policing report. The FBI will focus on partnership engagement and the reports key topics: building law enforcement trust and legitimacy, potential policy changes, technology and social media enhancements, community policing and crime reduction practices,

training and educational opportunities, and officer wellness and safety. To date the FBI National Academy Advisory Board has met on multiple occasions to discuss the final report as well as how the National Academy Training program can incorporate recommendations into its curriculum. The FBI continues to coordinate efforts with the International Association of Chiefs of Police (IACP), the National Sheriffs' Association, and other law enforcement associations to build additional support for increased participation among local, State, and tribal partners. Also, the FBI understands the importance of uniformed crime reporting and will continue to work to increase implementation of the National Incident-Based Reporting System (NIBRS). Overall the FBI will continue to engage its partners in the law enforcement community on these issues and will continue to strive to lead by example.

Question. Please describe how the FBI and the Department of Justice will continue to engage members of law enforcement, community leaders and others in implementing the recommendations of the President's Task Force and identifying additional areas for potential improvements in police practices.

Lead-in information from original document.—

> The interim report of the President's Task Force on 21st Century Policing provides numerous recommendations to Federal law enforcement and other agencies, including the FBI, to help change law enforcement culture, increase community collaboration and engagement, develop new technology, support training, and promote officer safety and wellness. As trusted partners to State and local law enforcement, FBI and the Justice Department have a unique opportunity to leverage their expertise and resources to help drive change in law enforcement at all levels and throughout country.

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Question. Please describe how the FBI or other Department of Justice components will use current grant programs to incentivize the adoption of the Task Force's recommendations by State and local law enforcement agency grantees, and what additional funding, either for existing grants or new programs, would support the implementation of the recommendations.

Lead-in information from original document.—

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support for increased participation among local, State, and tribal partners. Also, the FBI understands the importance of uniformed crime reporting and will continue to work to increase implementation of the National Incident-Based Reporting System (NIBRS). The FBI is working with DOJ on a funding strategy for States to implement NIBRS. Overall the FBI will continue to engage its partners in the law enforcement community on these issues and will continue to strive to lead by example.

QUESTIONS SUBMITTED TO HON. STACIA A. HYLTON

UNITED STATES MARSHALS SERVICE

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

ADAM WALSH ACT FUNDING

Question. How successful has the Marshals Service been in recent years in apprehending fugitive sex offenders?

Lead-in information from original document.—

The Adam Walsh Child Protection and Safety Act tasks the Marshals Service with apprehending fugitive sex offenders—convicted criminals who have committed heinous acts and are required to maintain updated registration records about themselves. The 2016 budget requests $61 million for the Marshals Service Sex Offender investigators, which includes additional funds for training, operations, software licensing, and computer database fees to help agents do their jobs more effectively.

Answer. In fiscal year 2014, USMS arrested 11,206 fugitive sex offenders, which resulted in the clearance of 13,345 warrants. As of the second quarter of fiscal year 2015, USMS has arrested 3,836 fugitive sex offenders and cleared 5,448 outstanding warrants.

In addition, the USMS Sex Offender Investigations Branch has obtained 4,130 warrants for Federal prosecution of AWA-related offenses, and has cleared 3,362 (81 percent) of those warrants by USMS arrest since fiscal year 2006.

Question. How would this increased funding in 2016 help to catch more fugitive sex offenders?

Lead-in information from original document.—

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Answer. The program increase of $4.7 million for fiscal year 2016 will provide:

—Operational support for costs associated with investigative coordination among the USMS and participating State and local law enforcement agencies.
—Funding for basic and advanced sex offender investigative coordinators training and other courses necessary to provide continuing education to the USMS Sex Offender Investigators.
—Funding for technology development required by investigators to fulfill the AWA mission.

The additional funding would help increase fugitive sex offender arrests and result in more Federal cases presented to the U.S. Attorneys' Offices for prosecution of 18 U.S.C. § 2250. As part of the USMS AWA mission, the USMS works with its State, local, tribal, and territorial counterparts to carry out operations to identify non-compliant sex offenders.

In addition, increased funding would allow the USMS to expand its outreach to more tribal territories and further assist them in strengthening their compliance efforts on tribal lands.

Without this increase, static operational funds will limit increased collaboration with partners and restrict travel for interviews and evidence, which may impact successful prosecutions.

Question. How does the Marshals Service staff coordinate with State and local law enforcement agencies to achieve better results in the apprehension of these fugitives?

Lead-in information from original document.—

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Answer. The AWA mandates that the USMS assist State, local, tribal, and territorial agencies in locating and apprehending sex offenders who violate their sex offender registration requirements. To accomplish this mission, the USMS has more than 100 deputies who are assigned to investigate non-compliant sex offenders on a full-time basis. These deputies are in regular contact with their State, local, tribal, and territorial counterparts who administer their respective sex offender registries.

In fiscal year 2015, the USMS, in a coordinated effort with its National Sex Offender Targeting Center (NSOTC), will be conducting two separate three-day training sessions devoted solely to State and local sex offender investigators. This training will help familiarize personnel with the USMS AWA mission and encourage them to utilize the resources of the USMS in their sex offender compliance mission. Additionally, the USMS and NSOTC plan to coordinate at least two separate tribal working groups, which will bring together USMS, State, local, and tribal officials to discuss differences in sex offender compliance efforts and ways to better coordinate them. The NSOTC is also working with the Department of Defense (DOD), to share its institutional knowledge to properly implement the Sex Offender Registration and Notification Act (SORNA). The NSOTC has initially selected seven major installations to facilitate the transition and implementation of the SORNA. To date, the USMS has helped conduct two military outreach sessions at Ft. Hood, Texas, and Joint Base McChord, Washington.

In fiscal year 2014, the USMS assisted in 355 compliance and enforcement operations, including 26 operations on tribal lands. To date, in fiscal year 2015, the USMS has assisted in 155 compliance and enforcement operations, including five on tribal lands. Since the inception of the AWA in 2006, the USMS has assisted with the execution of 1,775 compliance and enforcement operations resulting in compliance checks of more than 253,000 sex offenders. These operations are conducted not only to locate and apprehend non-compliant sex offenders, but are also designed to assist the State, local, and tribal agencies maintain a more accurate and current sex offender registry. To accomplish this, the USMS has partnered with more than 31,000 law enforcement officers from over 8,100 State, local, tribal, and territorial agencies.

QUESTION SUBMITTED BY SENATOR BARBARA A. MIKULSKI

STOPPING HUMAN TRAFFICKING AND PEDOPHILES

Question. How many Deputy U.S. Marshals are currently dedicated to full-time Adam Walsh Act enforcement? What additional resources or authorities are needed to track and arrest the over 100,000 non-compliant sex offenders in the United States?

Answer. In fiscal year 2015, the USMS has 150 fully dedicated personnel working on Adam Walsh Act enforcement activities, including 132 Deputy U.S. Marshals covering each judicial district in the United States. The support staff involved in everyday operations of the AWA mission is equally as vital. Analysts and administrative employees assist those investigators in the field and provide critical support in order to achieve this enforcement mission. The USMS believes that the current staffing level provides adequate coverage to go after the "worst of the worst" offenders. Subsequent budget requests will re-examine staffing levels based on workload, change in business practices, recent statutes and mandates, and audit findings, to ensure that resources are necessary to track and arrest an estimated 100,000 non-compliant sex offenders of the approximately 819,218 sex offenders living in the United States.

QUESTIONS SUBMITTED BY SENATOR MARK KIRK

COUNTER GANG UNITS

Question. How are the Marshals prepared and planning to continue this program and what resources are required to maintain these units dedicated to gang enforcement?

Lead-in information from original document.—

I commend the Marshals Service for having a Counter Gang Unit up and running in the Great Lakes Regional Task Force that serves Chicago. In fiscal year 2015, Congress appropriated $7.5 million to the Marshals Service to form Counter Gang Units in each of the seven regional task forces to combat gangs; however, your fiscal year 2016 budget request does not specifically set aside funds for counter gang units.

Answer. The USMS has taken proactive measures to continue running its Gang Enforcement Program. These measures have been built upon the initial $7.5 million from USMS base resources in fiscal year 2014. In the 2015 Senate Appropriations Committee Report (H.R. 113–181), the subcommittee directed that with the amount provided in the budget request, the USMS shall dedicate no less than $5 million to operate anti-gang investigative units within the RFTFs, including supporting the supervisory, operational, equipment, and training needs of these units, in order to target gangs of national significance.

Currently, each of the seven USMS Counter Gang Units (CGUs) is operating on a daily basis to identify, target, disrupt or dismantle violent street gangs. The CGUs were established within the existing infrastructure of each of the USMS Regional Fugitive Task Forces (RFTFs). These highly unique and specialized units operate efficiently and effectively with long standing partnerships with Federal, State, and local law enforcement agencies. Expenses, such as overtime, vehicle and equipment purchases, and training, incurred by the USMS's State and local partners are primarily funded by the Asset Forfeiture Program's Joint Law Enforcement Operations (JLEO).

Question. Can you elaborate upon the successes of your counter gang program over the last fiscal year?

Lead-in information from original document.—

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Answer. Since establishing the seven CGUs in fiscal year 2014, these units have been responsible for the arrest of more than 1,500 gang members, as well as the seizure of more than $830,000 in U. S. currency, 16 kilograms of illegal narcotics, and more than 170 illegal firearms. Additionally, the Technical Operations Group (TOG) assigned to the CGUs has been responsible for more than 400 additional arrests of violent offenders.

The success of the CGUs is built on the ability to target the most violent and dangerous offenders and by continuing to disrupt and dismantle the prevalent gangs that are causing the conflicts within local communities. By going after and weeding out the most pernicious gang members, the USMS and its law enforcement partners are able to make a positive difference in the affected communities. The CGUs, combined with resources from a variety of law enforcement agencies, operate as a cohesive powerhouse of intellect, knowledge, and investigative expertise.

Question. Going forward how can this subcommittee further assist the Marshals Service in the apprehension of not just gang members, but human traffickers, cyber criminals, and other fugitives?

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Answer. The USMS appreciates the subcommittee's continued support to its enforcement missions. The USMS will continue its Counter Gang Unit operations

within the Regional Fugitive Task Forces in fiscal year 2016. The subcommittee can further assist the Marshals Service apprehend human traffickers, cyber criminals, and other fugitives by supporting the President's budget request.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

ASSETS FORFEITURE FUND VS FEDERAL PRISONER DETENTION FUNDS TO SUSTAIN COSTS

Question. Will the U.S. Marshals be able to sustain their costs by continuing to use the Asset Forfeiture Funds as opposed to the Federal Prisoner Detention (FPD) funds?

Answer. In fiscal year 2014, the Assets Forfeiture Fund received a one-time deposit of $1.2 billion related to a civil forfeiture action against Toyota Motor Corporation, resulting in excess unobligated balances in the account. In fiscal year 2015, those excess balances will be depleted because they are being used for Federal Prisoner Detention related expenses, pursuant to The Consolidated and Further Continuing Appropriations Act, 2015. The Assets Forfeiture Program does not currently project any excess unobligated balances in fiscal year 2016. Although excess forfeiture funds are not available in fiscal year 2016, the USMS would be able to sustain its projected detention costs for fiscal year 2016 if the USMS is provided FPD funding at the President's Budget level of $1.4 billion.

U.S. MARSHALS SERVICE SPECIAL OPERATIONS GROUP

Question. Can you discuss your Special Operations Group and their support to domestic and international missions?

Answer. The U.S. Marshals Service Special Operations Group (SOG) is a flexible, modernized unit with a diverse skill set that conducts specialty operations in any environment both within and outside the United States. The SOG comprises competitively selected Deputy U.S. Marshals that receive specialized training used to enhance the tactical capabilities of the Marshals Service both domestically and internationally. The SOG is often requested by other law enforcement agencies and the Marshals Service to bring its distinctive skills to support special missions. Modern law enforcement must have the capability to defend against dangerous criminals that often have considerable weaponry, tactical advantage and intent to use these weapons against law enforcement and the public. The SOG has the capacity to strengthen and reinforce standard law enforcement against these dangerous criminals. The SOG is different from a standard Special Weapons and Tactics (SWAT) unit. A SWAT unit operates in a singular environment with a limited scope of authority in support of local law enforcement whereas the SOG is a national support unit capable of responding anywhere in the United States and abroad in support of enforcement operations as well as humanitarian relief and national crises.

Notable Domestic Operations:

—*Capture of Eric Frein*.—The SOG personnel were involved in the manhunt and capture of Eric Frein in Pennsylvania. Frein is accused of assassinating Pennsylvania State Trooper Jamie Dickson and wounding another Trooper before his capture.

—*Ferguson, Missouri*.—The SOG deployed to support Ferguson, MO during the civil unrest. The mission was to protect the Federal courthouse and DOJ attorneys who met with Ferguson city officials and the Michael Brown family when the verdict was delivered.

—*Boston Marathon Bomber*.—The SOG has sole responsibility for the transport and custody of Dzhokhar Tsarnaev. SOG is currently providing a quick reaction force and overall security to the ongoing trial in the Federal District of Massachusetts.

—*Libyan Terrorist Abu Khatallah*.—The SOG is providing security and trial transportation for this high risk prisoner who is accused of murdering U.S. Ambassador Christopher Stevens and three American security officers in Benghazi, Libya in 2012.

—*Gang Enforcement*.—Conducted multiple rotations to assist in the national gang enforcement operation known as VR–7 (violence reduction—7 cities) at multiple locations throughout the United States.

—*Heroin*.—In the Federal District of Arizona, the SOG members executed search and arrest warrants against high value Mexican Cartel members involved in smuggling weapons, cocaine, heroin, and methamphetamines.

Notable International Operations:

—*Iraq*.—From 2003 to 2009, the SOG was responsible for establishing judicial security throughout Iraq. During this timeframe, this unit coordinated all security for the prosecution of Saddam Hussein. The SOG deputies protected international attorneys, Iraqi trial judges, and U.S. Department of Justice personnel assigned to assist in the trial.

—*Afghanistan*.—From 2007 until 2014, the SOG was tasked with creating and sustaining the judicial security unit of the Afghan National Police. This unit started with 6 officers and by the end of SOG's withdrawal from Afghanistan in 2014, the unit was fully staffed with 1,063 fully equipped personnel trained in current methods and procedures for judicial security.

—The SOG was called on to provide additional protection for the U.S. Drug Czar during his trips to Afghanistan.

—The SOG supported the Office of National Drug Control Policy (ONDCP) with tactical personnel while the Director of ONDCP traveled to the opium poppy fields in the Helmand Province.

—*Kenya*.—The SOG conducted a high risk extradition from Nairobi, Kenya to the United States which required a level of sophisticated medical knowledge that is a part of the unit's training.

—*Mexico*.—The SOG assisted USMS Investigative Operations Division, International Investigations Branch with the Merida Training program in Mexico. This unit provided instruction to the Mexican Federal Police Advanced Special Response Teams (SRT). Classes included driving, dignitary protection, tactical shooting, building entry and tactical trauma medicine.

—*Colombia*.—In fiscal year 2014, the SOG began its assistance to the USMS Training Division with Operation Plan Colombia. The SOG provided instructors and subject matter experts to assist with the dignitary and witness protection training.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

USMS SURVEILLANCE TECHNOLOGY

Question. Under the USMS's current policies relating to the use of cell-site simulators, how many times has the USMS employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

Lead-in information from original document.—

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff. These briefings were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment and techniques that may be deployed in furtherance of law enforcement missions. To do so would allow kidnappers, fugitives, drug smugglers, and certain suspects to determine our capabilities and limitations in this area. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent with the Constitution and Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

Question. Since 2001, how many cell-site simulators has the USMS purchased or obtained from another Government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the USMS's cell-site simulators?

Lead-in information from original document.—

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff. These briefings were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment and techniques that may be deployed in furtherance of law enforcement missions. To do so would allow kidnappers, fugitives, drug smugglers, and certain suspects to determine our capabilities and limitations in this area. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent with the Constitution and Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

Question. Does the USMS maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

Lead-in information from original document.—

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Answer. The USMS deploys the License Plate Reader (LPR) system in support of its fugitive and Adam Walsh Act investigations. The LPR assists in locating vehicle tags associated with fugitives or in locating sex offenders who are in violation of the registry status in order to affect an arrest. This system is only operational on one computer in one vehicle that is operationally used in West Virginia by the USMS.

The LPR, when operating, enables the uploading of photographic image of the license plate. This data is stored on a laptop hard drive and is not accessible on the laptop after 30 days from the date the tag is identified. The license plate photograph is uploaded through a secure server to a database managed by the West Virginia State Police (WVSP) which may be queried by specifically authorized law enforcement personnel.

LPR data query in the WVSP system is available to law enforcement agencies for criminal investigation purposes only. Member agency users in the WVSP LPR system also have access to query LPR data in accordance with WVSP policy governing the statewide LPR system. The USMS is dedicated to ensuring the data is managed in such a way as to meet public safety needs while protecting individuals' privacy interests.

QUESTIONS SUBMITTED TO HON. MICHELE M. LEONHART

DRUG ENFORCEMENT ADMINISTRATION

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

INTERNATIONAL DRUG ENFORCEMENT PRIORITIES

Question. How would this new capacity target the financial infrastructure of drug trafficking organizations abroad?

Lead-in information from original document.—

The Drug Enforcement Administration has agents in 86 countries with resident offices located in 67 countries. DEA's 2016 budget includes a $12 million increase to enhance financial investigations within the Special Operations Division and the Sensitive Investigative Units.

Answer. DEA's Bilateral Investigations Unit (BIU) is organized into four Regional Groups and a Financial Investigative Team to focus on the financial aspects of the BIU investigations. The BIUs use investigative tools and techniques to disrupt key financial command and control nodes. These tools include reverse money laundering operations; Attorney General Exempted Operations (AGEOs); undercover shelf accounts; moving and monitoring Trafficker Directed Funds; and asset identification/seizure. The BIU is staffed and supported by existing SOD personnel and resources. These extra-territorial enforcement groups play a vital role to investigate, indict, capture, and convict the most significant foreign-based narco-terrorists, drug traffickers, terrorists and transnational criminals that threaten U.S. National Security interests and impact the world's drug supply.

The BIU's four Regional Groups are organized geographically as follows: OSNA (Africa); OSNB (Asia); OSNC (Latin America/Central America/Caribbean); OSNE (Europe). Each Group is comprised of senior Special Agents and Analysts who deploy to foreign locations and conduct highly sensitive proactive criminal investigations. These DEA BIU Groups have produced impressive case results, including the arrests of arms trafficker Viktor Bout and arms trafficker and terrorist Monzer Al Kassar.

Attacking the financial infrastructure of these criminals and their organizations is key to enhancing the BIUs' effectiveness. While the BIUs' efforts to enlist various financial investigative techniques as a means to disrupt key financial command and control nodes have been successful, these efforts have been ad hoc. To increase the BIU's effectiveness, DEA is seeking to establish a Financial Investigative Team (OSNF) comprised of 5 Special Agents, 2 Intelligence Analysts, 1 Program Analyst, and administrative support personnel, to complement the investigations of the BIU Regional Groups. The Financial Investigative Team investigations would be proactive and would enhance current investigations of BIU Regional Groups. The intent is that the Special Agents in the new Financial Investigative Team will support the financial angle of the investigations conducted by the Regional Groups with financial expertise. The Team will focus primarily on the financial networks of investigative targets of a particular regional Regional Group.

Question. How would additional funding for Sensitive Investigative Units be used to build upon the current framework of almost 900 participating local law enforcement officers in 13 countries?

Lead-in information from original document.—

The Drug Enforcement Administration has agents in 86 countries with resident offices located in 67 countries. DEA's 2016 budget includes a $12 million increase to enhance financial investigations within the Special Operations Division and the Sensitive Investigative Units.

Answer. The Sensitive Investigative Unit (SIU) Program is a comprehensive international drug enforcement initiative involving 13 countries and over 40 SIU enforcement groups staffed by over 900 host nation local law enforcement officers. SIU participants are able to remain in the program for up to 5 years.

Since the program's inception in four countries in 1996, the SIU has had the same baseline budget of approximately $20 million per year. DEA's program has become the model for other U.S. law enforcement agencies and ally countries (U.K., France, Germany) operating overseas and has led to expansion into additional countries.

Additional funding will be used to maintain the current framework and capabilities of the 13 Sensitive Investigative Units (SIUs) and participating local law enforcement officers. Specifically, this funding will support the following SIU requirements:

—*Recurring maintenance costs:* projected inflationary increases will impact rental payments, building maintenance requirements, and furniture purchases for SIU facilities and safe houses. These facilities are critical for ongoing operations in SIU overseas locations. Additional funding will cover these escalating overhead costs and provide the necessary operational resources for local law enforcement officers assigned to all 13 SIUs.

—*Training:* SIU Basic and Advanced training courses are required for all SIU local law enforcement officers. Currently, the average wait time for an SIU Basic Training course is 18–24 months. Additional funding would alleviate a significant backlog of SIU members waiting to complete the required operational and technical training, which would result in the wait time being reduced to approximately 12 months.

—*Vetting and program reviews:* all SIU members are required to undergo periodic re-vetting; therefore, additional resources will allow for polygraph testing of these members every 2 years. Additional funding will also support cyclical program reviews necessary to evaluate and monitor SIU facilities, financial management processes, personnel records, physical security, vetting processes, and other administrative procedures.

—*Foreign judicial wire intercept maintenance/upgrades:* the SIU Program utilizes foreign judicial wire intercept systems to investigate high-level international criminal and drug trafficking organizations. Additional funding would support essential hardware refreshes for the judicial wire intercept systems located in Colombia, Paraguay, the Dominican Republic, and Panama. Additional funding will also support the enhancement of the judicial wire intercept system in Honduras and the establishment of a new system in Nigeria.

—*SIU Net database upgrade:* SIU Net is an automated database/repository used to collect SIU member biographical information, training requirements, significant investigative accomplishments, equipment, and vetting results (polygraph, drug testing, and human rights checks). Additional funding would be used for upgrading the inventory tracking element of the SIU database.

QUESTIONS SUBMITTED BY SENATOR MARK KIRK

DEA ORGANIZED CRIME GANG UNIT WITHIN THE SPECIAL OPERATIONS DIVISION

Question. How does the DEA ensure that resources are directed at this unit?

Lead-in information from original document.—

I appreciate the DEA's mission to enforce our Nation's drug laws and fighting gangs of national significance who deal in illegal narcotics is key to that mission. It is my understanding that the Organized Crime: Gangs section within the Special Operations Division (SOD) is the only unit within SOD to concentrate on domestic enforcement.

Answer. SOD as a whole supports domestic field enforcement by providing vital information for investigative and enforcement activities directed against major national and transnational trafficking organizations, not just its gang section. SOD's mission is to establish seamless law enforcement strategies and operations aimed at dismantling national and international trafficking organizations by attacking their command and control communications. SOD is able to facilitate coordination and communication among DEA divisions and participating agencies with overlapping investigations and ensure tactical and strategic intelligence is shared between DEA and SOD's participating agencies.

Prior to the merger with SOD in fiscal year 2010, the National Gang Targeting, Enforcement, & Coordination Center (GangTECC) had no dedicated operating budget with which to provide any type of support to investigations. Since coming under the operational direction of SOD, GangTECC has been able to provide increased support to these violent urban organized crime investigations based on SOD's overall funding for operations.

Prior to the merger, GangTECC supported only 100 cases in the three preceding fiscal years combined. Since then, under the operational direction of SOD, it has successfully coordinated several high impact gang operations. In fiscal year 2011, GangTECC supported 102 cases that resulted in 853 gang arrests. Furthermore, in fiscal year 2012, with a broad objective to increase gang arrests by 2 percent over the fiscal year 2011 baseline, GangTECC supported 154 cases that accounted for 891 gang arrests, which represented a 4.4 percent increase in arrests. In fiscal year 2013 with the objective increased to 5 percent, GangTECC supported 187 gang-related investigations that have resulted in 937 arrests; respectively 121 and 105 per-

cent increases over fiscal year 2012 actuals. In fiscal year 2014, GangTECC supported 207 gang-related cases that have yielded 803 arrests.

GangTECC/Operational Section: Gangs (OSG) is working closely with the field offices, including State and local law enforcement, in order to identify the complete structure of gang networks. The goal of this strategy is to be able to fully identify the complete picture of the organization and their affiliates—cartel leadership, plaza bosses, the U.S. gatekeeper or "chokepoint" through which the cartels funnel the drugs to the the street-level urban crime distribution networks which directly impact local neighborhoods. Specifically, SOD/OSG is focusing its efforts on the most violent of these urban organized crime networks for maximum local impact to the communities; however, as these investigations are multi-pronged and span multiple jurisdictions and countries, OSG conducts these investigations in coordination with multiple sections at SOD and all the domestic field divisions, as well as several foreign offices.

CONTROLLED SUBSTANCES ACT

Question. Why has the DEA and the Department of Justice not complied with provisions in the Controlled Substances Act, specifically, "The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance" (21 U.S.C.A. ss 811 (West))?

Lead-in information from original document.—

In January 2011, the Food and Drug Administration (FDA) approved and recommended for decontrol, the imaging agent DaTscan to be used in the medical community to differentiate between essential tremor and Parkinson's disease. DaTscan inherited its Schedule II controlled status because it contains trace amounts of lofupane, a cocaine derivative. The DEA has refused to decontrol DaTscan despite the FDA's recommendation.

Answer. In November, 2010, the Department of Health and Human Services (HHS) sent to DEA a scheduling recommendation accompanied by a scientific and medical evaluation. HHS recommended that Food and Drug Administration-approved products containing [^{123}I]ioflupane (currently, only DaTscan) be removed from schedule II of the Controlled Substances Act (CSA). The facts in support of the HHS recommendation and evaluation required DEA and HHS to collaborate before DEA could move forward with the recommendation. In the interim, DEA published an interim final rule to provide an exemption from registration to persons administering the drug product DaTscan if they are authorized under U.S. Nuclear Regulatory Commission or Agreement State medical use licenses or permits. 79 FR 70085. This rule was intended to alleviate the regulatory burdens on those administering the drug product DaTscan, which means that patients have a greater chance of receiving important diagnostic testing.

After consultations with the HHS regarding its recommendation and evaluation, DEA published on June 3, 2015, a notice of proposed rulemaking in the Federal Register, which proposes to remove [^{123}I]ioflupane from schedule II of the CSA. The public comment period for this notice ended on July 6, 2015. In keeping with our commitment to making diagnostic agents available to as many patients as possible, DEA will diligently work towards responding to the comments received in response to the notice and in finalizing the scheduling action.

CONTROLLED SUBSTANCES ACT—DaTscan

Question. When does the DEA expect to comply with the law and decontrol DaTscan?

Lead-in information from original document.—

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QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

PRESCRIPTION AND SYNTHETIC DRUG ABUSE

Question. How is DEA combatting the prescription drug epidemic as well as the domestic distribution of synthetic designer drugs? What trends do you see rising on this front and how are you preparing to deal with them?

Answer. According to the 2014 National Drug Threat Assessment (NDTA), the threat from prescription drug abuse is persistent, and deaths involving prescription drug abuse outnumber those involving heroin and cocaine combined. The economic cost of nonmedical use of prescription opioids alone in the United States totals more than $53 billion annually. Trafficking organizations, street gangs, and other criminal groups, seeing the enormous profit potential, have become increasingly involved in transporting and distributing prescription drugs. The number of drug overdose deaths, particularly from prescription drugs, has grown exponentially in the past decade and has surpassed motor vehicle crashes as the leading cause of injury death in the United States. Rogue pain management clinics (commonly referred to as pill mills) also contribute to the extensive availability of illicit pharmaceuticals in the United States. To combat pill mills and stem the flow of illicit substances, many States are establishing new pill mill legislation.

The Office of National Drug Control Policy's (ONDCP) Prescription Drug Abuse Prevention Plan expands upon the current administration's National Drug Control Strategy and includes action in four major areas to reduce prescription drug abuse: education, monitoring, proper medication disposal, and enforcement. DEA plays an important role in all four of these areas.

Education

The Department of Justice (DOJ) focuses on education as a crucial first step in preventing prescription drug abuse. Through its Demand Reduction Program, DEA delivers educational content via its Web sites www.GetSmartAboutDrugs.com and www.JustThinkTwice.com. These Web sites serve as resources to parents, caregivers, educators, professionals, and teens. DEA also focuses on reducing the demand for illicit drugs, including the abuse of prescription drugs, through its Red Ribbon Week programming, partnerships with other Federal, State, local and nonprofit organizations, and numerous publications made available to the general public.

DEA also provides education and guidance to industry professionals such as pharmacists, distributors, and manufacturers by delivering information to registrants, professional associations, and industry organizations on current diversion and abuse trends of pharmaceutical drugs and listed chemicals. DEA also provides information and guidance concerning new and existing programs, policies, legislation, and regulations. DEA's Diversion Control Program establishes and maintains liaison and working relationships with other Federal agencies, State and local governments, regulated industries, industry organizations, professionals, professional associations, and regulatory boards that interface with DEA regarding diversion matters. In fiscal year 2014, DEA conducted more than 75 public education and outreach events regarding prescription drug abuse. Because of the importance of these activities in addressing prescription drug abuse, DOJ has included an Education and Outreach component to DEA's performance measures.

The following reflect the kinds of outreach initiatives undertaken by DEA's Diversion Control Program:

DEA, along with State regulatory and law enforcement officials, and in conjunction with the National Association of Boards of Pharmacy, hosts Pharmacy Diversion Awareness Conferences (PDACs) throughout the country. Each PDAC is held on Saturday or Sunday for the convenience of the pharmacy community. The conferences are developed and designed to address the growing problem of diversion of pharmaceutical controlled substances at the retail level. Topics addressed include pharmacy robberies and thefts, forged prescriptions, doctor shoppers, and illegitimate prescriptions from rogue practitioners, with the objective of educating pharmacists, pharmacy technicians, and pharmacy loss prevention personnel on methods to prevent and respond to potential diversion activity.

During fiscal year 2013, DEA hosted 18 PDACs in eight States. Further, DEA hosted 16 PDACs in eight States during fiscal year 2014. Since DEA began hosting PDACs in 2011, more than 7,648 pharmacy professionals have attended these educational conferences. At this time, there are 16 proposed PDACs in eight States for fiscal year 2015.

The Manufacturers/Importers/Exporters Conference held on June 18–19, 2013, provided a forum to present Federal laws and regulations that affect the pharmaceutical and chemical manufacturing, importing, and exporting industry and to discuss practices to prevent and detect diversion. In addition, topics such as quotas, year-end reporting, Automation of Reports and Consolidated Orders System (ARCOS) reporting, import/export permits and import/export declarations were discussed. Approximately 370 people attended, representing more than 200 registrants. There is a Manufacturers/Importers/Exporters Conference tentatively scheduled for September 2015.

DEA has also held two Distributor Conferences, most recently on April 15–16, 2015, and previously on October 22, 2013. These conferences provided an overview of Federal laws and regulations that affect pharmaceutical and chemical distributors, such as recordkeeping, ARCOS, and suspicious order monitoring.

The National Conference on Pharmaceutical and Chemical Diversion, held September 30 through October 1, 2014, facilitated the exchange of information between DEA and their State and local counterparts who focus on combating the diversion of pharmaceutical controlled substances and regulated chemicals. Over 70 people attended, including individuals from State and local agencies who are responsible for regulatory drug or chemical control as well as operational personnel whose investigations target the diversion of licitly manufactured controlled substances and regulated chemicals.

To better assist DEA registrants with their understanding of the Controlled Substances Act (CSA) and implementing regulations, manuals are drafted and made available to the public. The manuals are not considered legal documents. Readers are instructed to refer to the most current copy of the CSA, the Narcotic Addict Treatment Act of 1974, the Drug Addiction Treatment Act of 2000, the Code of Federal Regulations (C.F.R.), and Federal Register Notices to obtain complete and accurate information. The Chemical Handler's Manual, Pharmacist's Manual, and Practitioner's Manual are available via DEA's Web site.

Monitoring

One of the best ways to combat the rising tide of prescription drug abuse is through the implementation and use of Prescription Drug Monitoring Programs (PDMPs). PDMPs are typically State-run electronic database systems used by practitioners, pharmacists, medical and pharmacy boards, and law enforcement. These programs are established through State legislation and are tailored to the specific needs of a particular State. PDMPs help prevent and detect the diversion and abuse of pharmaceutical controlled substances, particularly at the retail level where no other automated information collection system exists. However, in many States with operational PDMPs, participation by prescribers and dispensers is voluntary, with utilization rates well below 50 percent.[1] The Brandeis University Center of Excellence developed a PDMP Management Tool, which recommends calculating the number of in-State prescribers with PDMP accounts as a percentage of the number of in-State prescribers who issued controlled substance prescriptions during the prior year. Based on this calculation, for example, in Florida just 18 percent of the in-State prescribers who issued more than one controlled substance prescription have registered to use the database (11,408 in-State prescribers signed up for PDMP accounts, out of the 62,238 in-State prescribers who issued controlled substance prescriptions during the prior year).

[1] The Brandeis University PDMP Center of Excellence, retrieved 12/18/14 http://www.pdmpexcellence.org/content/mandating-medical-provider-participation-pdmps.

While PDMPs are valuable tools for prescribers, pharmacists, and law enforcement agencies to identify, detect, and prevent prescription drug abuse and diversion, PDMPs do have some limits in their use for detecting diversion at the retail level. For example, the use of PDMPs is limited across State lines because interconnectivity remains a challenge; at the same time, as many drug traffickers and other drug seekers willingly travel hundreds of miles to gain easy access to unscrupulous prescribers and dispensers.

Proper Medication Disposal

Prior to the passage of the Secure and Responsible Drug Disposal Act of 2010, enacted in October 2010 (Public Law 111–273) (Disposal Act), the CSA provided no legal means for ultimate users to transfer possession of controlled substance medications to other individuals for disposal. The Disposal Act amends the CSA to authorize ultimate users and Long Term Care Facilities (LTCFs) to deliver controlled substances to another authorized person for the purpose of disposal in accordance with regulations promulgated by DEA.

On September 9, 2014, DEA published in the Federal Register the final rule on the Disposal of Controlled Substances. The final rule became effective on October 9, 2014, and it implements the Disposal Act by establishing requirements that allow authorized registrants to develop secure, ongoing, and responsible methods for ultimate users and LTCFs to dispose of pharmaceutical controlled substances. The final rule expands the options available to collect controlled substances from ultimate users for the purpose of disposal, including (1) take-back events; (2) mail-back programs; and (3) collection receptacle locations. These regulations contain specific provisions that:

Recognize the continuing authority of law enforcement agencies to voluntarily conduct take-back events, administer mail-back programs, and maintain collection receptacles; Allow authorized manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies to voluntarily administer mail-back programs and maintain collection receptacles; and Allow authorized retail pharmacies and hospitals/clinics with an on-site pharmacy to voluntarily maintain collection receptacles at LTCFs.

In addition, DEA conducted nine Prescription Drug Take-Back Days from September 2010 to September 2014. Each take-back day provided the public with thousands of sites nationwide to turn in their unwanted or expired prescription drugs safely and securely. On September 26, 2014, the most recent National Prescription Drug Take-Back Day, 617,150 pounds (309 tons) of prescription medications were collected from members of the public. As a result of all nine National Prescription Drug Take-Back Days, DEA, in conjunction with its State, local, and tribal law enforcement partners, removed a total of just under 4.9 million pounds (2,411 tons) of medications from circulation. Although law enforcement continues to have discretion with respect to take-back events, DEA intends to conduct another nationwide take-back event during September 2015 to provide additional options for the safe and responsible disposal of unused medications. The new final rule on the Disposal of Controlled Substances provides the public with expanded options to safely and responsibly dispose of their unused and unwanted, lawfully-possessed pharmaceutical controlled substances through collection receptacles and mail-back packages. This rule allows for ongoing medication disposal, thereby ridding the home of unused or unwanted drugs that pose a poisoning hazard or can be diverted.

Enforcement

DEA's Diversion Control Program is using all criminal and regulatory tools possible to identify, target, disrupt, and dismantle individuals and organizations responsible for the illicit manufacture and distribution of pharmaceutical controlled substances in violation of the CSA. The deployment of Tactical Diversion Squads (TDS) is DEA's primary method of criminal law enforcement in the Diversion Control Program. The recent expansion of the TDS program has resulted in 66 operational TDSs throughout the United States, covering 41 States, Puerto Rico and the District of Columbia. These TDSs incorporate the enforcement, investigative, and regulatory skill sets of DEA Special Agents, Diversion Investigators, other Federal law enforcement, and State and local Task Force Officers. In fiscal years 2013 and 2014, the TDS Groups collectively seized $60.7 million and $51.4 million in assets, respectively.

The expansion of the TDSs has enabled the Diversion Groups to concentrate on the regulatory aspects of the Diversion Control Program. DEA has increased the frequency of compliance inspections of specific registrant categories such as manufacturers, distributors, importers, exporters, narcotic treatment programs, DATA-waived practitioners, researchers, and chemical handlers. In fiscal year 2014, DEA

entered into several civil settlement agreements with registrants totaling over $13.5 million. The various regulatory investigations involved distributors, pharmacies, and practitioners who were found to be in violation of the CSA and its implementing regulations.

Synthetic Drugs

DEA continues to issue permanent and temporary scheduling orders to place emerging synthetic drugs that pose a threat under Schedule I control. DEA has also dedicated significant resources to support prosecution at the Federal level for the manufacturing and trafficking of synthetic drugs and controlled substance analogs, by providing scientific and legal support to U.S. Attorneys throughout the United States.

The two most common categories of these synthetic drugs are synthetic cannabinoids and synthetic cathinones.

Synthetic cannabinoids (sometimes sold under brand names such as K2 or Spice) continue to be drugs of considerable concern. These depressant/hallucinogenic drugs are primarily sourced from China. Synthetic cannabinoid substances are typically packaged in the U.S., and marketed over the Internet, or supplied to retail distributors before being sold to the public at retail stores (e.g., "head shops," convenience stores, gas stations, and liquor stores). Laws governing the legality of the substances vary widely between States and the chemical components are frequently altered, making it difficult for DEA to schedule the substances.

Synthetic cathinone substances fall under the phenethylamine class of stimulant/hallucinogenic drugs, and are marketed as "bath salts" or "glass cleaner," among other street names. These substances are often labeled "not intended for human consumption" as a false means to defend against the Government's utilization of the Federal Controlled Substance Analogue Enforcement Act.

The DEA Office of Diversion Control continuously evaluates non-controlled synthetic designer drugs for scheduling. Since 2009, more than 300 new synthetic compounds from 8 classes of drugs have been encountered in the United States.

Internationally, DEA engages the countries where synthetic designer drugs are being produced at a bilateral level through DEA's Country Attachés. The DEA is also an active and leading participant in the United Nations' Office on Drugs and Crime, International Narcotics Control Board (INCB). The INCB recently created the Project International Operations on New Psychoactive Substances (NPS) Task Force which targets New Psychoactive Substances. At the first operational meeting, members from 16 different countries participated, including China, which provided over 2,000 investigative leads to the participants of this meeting as well as 40 other countries where synthetic designer drugs were sent.

DEA is actively engaged through the Department of State in the annual meeting at the United Nations' Commission on Narcotic Drugs. At the 2014 meeting, the U.S. Government sponsored a resolution titled "Enhancing international cooperation in the identification and reporting of new psychoactive substances and incidents involving such substances." This resolution will assist U.N. member states to address the issue of synthetic designer drugs.

METH LABS

Question. I understand that meth labs play a significant role in crime in Arkansas and there has been a substantial increase in the number of them in the United States. What are the trends you are seeing in domestic meth lab cases and how is that affecting your budget requirements?

Answer. Overall, most of the methamphetamine available in the United States is clandestinely produced in Mexico and smuggled across the Southwest Border, where methamphetamine seizures continue to increase. The Combat Methamphetamine Epidemic Act succeeded in reducing "super labs" (those that produced 10 pounds or more). Currently, most methamphetamine labs found in the U.S. are small "one pot" labs that produce less than 2 ounces. However, it has been difficult to easily identify and stop those individuals who purchase the legal limit of pseudoephedrine combination products and sell it to domestic clandestine "one pot" meth manufacturers, a practice known as "smurfing."

Arkansas has passed laws, the most recent in 2012, controlling the sales of ephedrine and pseudoephedrine within the State. In order to purchase these precursors in the State, an Arkansas license or Military identification is required. This requirement is expected to ensure that border State "smurfers" and methamphetamine manufacturers will be unable to travel to Arkansas to purchase precursors. Additionally, it eliminates some problems from the use of false identification for pseudoephedrine purchases. This law also requires pharmacists to exercise profes-

sional judgment in dispensing pseudoephedrine and establishes a searchable database of purchase records.

Another trend involves Mexico-based methamphetamine trafficking organizations smuggling liquid methamphetamine into the United States. The term "liquid methamphetamine" refers to finished methamphetamine that has been dissolved in a liquid solvent or methamphetamine-in-suspension. The smuggling methods include concealing the solution in vehicle batteries, gasoline tanks, windshield wiper reservoirs, liquor bottles, laundry and antifreeze containers, and flavored water bottles. Once inside the U.S., the liquid is transferred to "processing personnel" who initiate the recrystallization process by mixing it with a solvent such as acetone and exposing the liquid methamphetamine to air for a prescribed period of time. Approximately four pounds of crystalized methamphetamine can be obtained from one gallon of liquid methamphetamine. The laboratories are often located in single-family residences and used solely for the recovery process. Due to the flammability of the fumes emitted by the solvent, the recovery personnel cover outlets and light switches with tape to avoid sparks that could ignite the fumes and cause an explosion. The conversion process can take approximately 2 days for completion. These conversion labs are more difficult to identify than typical methamphetamine labs because the same characteristic odors are not emitted. Conversion labs use acetone, a common solvent easily available for purchase at most home improvement stores.

The annual operating cost for meth lab cleanup has been reduced by 51 percent since fiscal year 2010 due to the fact that 18 States have begun using the Authorized Central Storage Container (ACSC) program. Through the ACSC program, State and local authorities remove the hazardous waste from the clan lab sites and transport it to an ACSC location. The waste is then safely stored in the containers until it can be removed by an authorized DEA vendor for ultimate destruction. In fiscal year 2014, DEA reduced the annualized cost of the nationwide hazardous waste cleanup program by $2.0 million through continued expansion of the Container Program.

ASSET FORFEITURE FUND FUNDING TO DEA AND STATE AND LOCALS

Question. How important is the Asset Forfeiture Fund to DEA as well as to State and local law enforcement?

Answer. The Assets Forfeiture Fund (AFF) is a vital resource to DEA, both as a law enforcement tool and a funding resource. As a law enforcement tool, the AFF enhances public safety and allows DEA and our State and local counterparts to disrupt and dismantle criminal enterprises by removing the proceeds of crime. Without the removal of these assets, criminal enterprises would continue to grow and flourish, even if the perpetrators are convicted and imprisoned.

From a resource perspective, the AFF provides DEA with funding authority to maintain its Asset Forfeiture Program, and to enhance DEA's most vital investigative competencies. DEA's wire intercept (Title III) and State and Local Task Force (S&L TF) Overtime programs are examples that are largely or wholly funded by the AFF. Any reductions to the DEA AFF budget will diminish funding for mission critical programs and operations and will reduce DEA's ability to weaken criminal organizations.

Drug trafficking organizations skillfully use advanced communications technology to plan, coordinate, and execute criminal activities. Wire intercepts have proven to be one of law enforcement's best tools to disrupt and dismantle criminal entities and pursue the forfeiture of assets. Wire intercepts are also a valuable tool in criminal and civil court proceedings. Wire intercepts often provide the quality of evidence that is necessary for presentation in court proceedings. Further, once a defendant learns that DEA used wire intercepts in an investigation, the defendant usually agrees to a plea deal. The financial operations of a criminal organization are increasingly used in affidavits as part of the probable cause for initiating a wire intercept. As a result, the wire intercept plays an integral role in the process of targeting the financial infrastructure of sophisticated, highly organized drug trafficking groups.

The State and Local Task Force Overtime program is also vital to DEA's overall law enforcement efforts and is paid for by the AFF. S&L Task Force Officers (TFOs) constitute approximately 30 percent of the DEA workforce and are essential to the mission of the agency. DEA task forces were responsible for 21 percent of all DEA cases in fiscal year 2014, 33 percent of all arrests, and 21 percent of all disruptions and dismantlements. At times, these cases provide leads to many of our biggest national and international Priority Target Organization (PTO) and Consolidated Priority Organization Targets (CPOT) linked investigations, many of which focus on crippling the Mexican drug cartels. Additionally, these cases can develop into major

Southwest Border and the Organized Crime Drug Enforcement Task Forces (OCDETF) cases that are the Department's highest priorities. Further, losing the contribution of these TFOs would equate to an estimated $162.5 million less in revenue denied and $102.5 million less in contributions to the AFF.

DEA's El Paso Intelligence Center (EPIC) Financial Intelligence Group includes a Bulk Currency Team that supports active investigations to locate assets (bulk drug currency, other illicit currency, vehicles, real property, etc.) owned or controlled by traffickers and other criminal elements for possible seizure and forfeiture. Without the support and funding of the AFF, EPIC would need to reduce support for these investigations, many of which involve State and local law enforcement working with DEA.

Without the AFF, DEA would need to significantly reduce its support of programs such as Title III and State and Local Overtime. These programs directly impact DEA's ability to disrupt and dismantle major drug trafficking supply organizations and their networks. The AFF also allows DEA to strengthen partnerships with DEA's domestic law enforcement counterparts to maximize the impact of its operations.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

DEA SURVEILLANCE TECHNOLOGY

Question. Under the DEA's current policies relating to the use of cell-site simulators, how many times has the DEA employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

Lead-in information from original document.—

> Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff, and would be willing to provide additional briefings as requested. The briefings from earlier were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment and techniques that may be deployed in furtherance of law enforcement missions. Doing so could expose our capabilities and limitations in this area to criminal targets. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent the Constitution and with Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

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Question. Does the DEA maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

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Answer. DEA's National License Plate Reader Program (NLPRP) is a law enforcement system designed to enhance the ability of law enforcement agencies to interdict drug traffickers, money launderers, and other criminal activities in high drug and money trafficking corridors and on other public roadways throughout the United States. The NLPRP was first deployed by DEA in 2008 as an additional tool to help counter drug and money laundering threats prevalent on the Southwest border. It is designed to support the investigation and prosecution of drug trafficking organizations who covertly transport controlled substances and cash over land routes. NLPRP information can only be accessed in conjunction with authorized law enforcement investigative activity. LPRs have been used to successfully capture fugitives, seize proceeds of crime, and intercept and seize large shipments of illegal narcotics such as marijuana and cocaine.

As discussed in a February 13, 2015, briefing with Senate Judiciary Committee staff, the information collected with a LPR is limited to photographic imagery obtained in a non-invasive, public manner along public roadways. The images capture only information that individuals present to the public. It is important to note that the system does not track people, personally identifiable information, or vehicles. The NLPRP is designed to contain transactional data only, which consists of the license plate number, State, location, date, time, and direction of travel. The information collected is intentionally stored in a manner to prevent it from being used for data mining or pattern analysis. The data remains available in the system for 90 days, after which time it is automatically purged from the system.

As noted above, NLPRP information can only be accessed in conjunction with an authorized law enforcement investigative activity. Requests to access NLPRP collected information can only be made by vetted Federal, State, or local law enforcement personnel. Vetted personnel require supervisory approval prior to being given access to the system, and those making an inquiry must provide a law enforcement nexus to support their inquiry.

Approved law enforcement personnel with access to the NLPRP also have the ability to put a tactical alert on a license plate related to a vehicle suspected to be involved with criminal activity. Tactical alerts permit users to enter a license plate and receive notification within 30 seconds of that plate recording a transaction on LPRs within the system. This near real-time capability provides an opportunity for a tactical law enforcement response to specific investigative or operational situations. The alert notification also promotes data sharing within the law enforcement community and serves as a de-confliction tool. As with other NLPRP queries, a law enforcement nexus must be provided prior to the tactical alert being placed on a license plate. Over the last year, approximately 5,400 tactical alerts have been placed in the NLPRP.

As discussed with your staff, the NLPRP has a variety of technical security measures in place such as firewalls, trusted network architecture, Security Technical Implementation Guidelines, and safeguards against cyber-attacks. Furthermore, the

NLPRP has a variety of procedural and policy measures in place for users, including: account inactivity expiration at 90 days; failed access attempt count lockout; legal policy acceptance; required use of case numbers and/or reason for query; user activity logging and auditing; and controlled access offered only to vetted law enforcement. Finally, the NLPRP's design provides data protection measures to minimize the risk that any abuse or misuse of the system takes place, to include no support for searches other than on specific law enforcement targets, no support for data mining or pattern matching, and mandatory information collection such as reasons for queries and/or case numbers.

QUESTIONS SUBMITTED TO HON. B. TODD JONES

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

FERTILIZER DISTRIBUTION FACILITY FIRE AND EXPLOSION INVESTIGATION

Question. As we approach the 2-year anniversary of this tragic event, please estimate when the investigation will be complete and when findings and recommendations may be released.

Lead-in information from original document.—

ATF testified about the on-going investigation into the fire and explosion that occurred at a fertilizer distribution facility in West, Texas, on April 17, 2013.

Answer. The investigation of the West, Texas fertilizer facility fire and explosion remains ongoing. ATF is working closely with the Texas State Fire Marshal, the agency with primary jurisdiction over the incident, to identify the cause and origin of the fire and explosion, and to make overall findings and recommendations. ATF's role includes providing technical analysis and expertise through the ATF Fire Research Laboratory (FRL) in Ammendale, Maryland, and jointly reviewing documentary evidence with the Fire Marshal's office in Texas. ATF, the Texas State Fire Marshal and other participants are working diligently to complete the investigation as soon as practicable. Due, however, to the complexity of the required technical analysis and the volume of records under review, it is highly unlikely that final findings and recommendations will be completed before the end of fiscal year 2015.

Question. If ATF does not anticipate completing the investigation and releasing the findings this fiscal year, please provide the reasons for the delay.

Lead-in information from original document.—

ATF testified about the on-going investigation into the fire and explosion that occurred at a fertilizer distribution facility in West, Texas, on April 17, 2013.

Answer. As noted, the complexities of the investigation are the primary variable impacting the timeline for its completion. In light of the massive devastation of the facility that resulted from the explosion, recreation of scene characteristics for testing has been time consuming. At the end of February, ATF completed large-scale tests that involved recreating the walls and ceilings in a possible area of origin for the fire. These large-scale tests enhanced the understanding of expert analysts regarding the potential for flame spread from this area to other areas in the building. The flame spread and heat release rates measured from these tests are being used as input for computer models that predict the spread of smoke and heat from the fires into the rest of the structure. Testing is also being conducted to measure the flammability properties of the materials in the fires. These materials tests are used as input to the computer models. The testing and modeling that has been completed to date has provided the information necessary to conduct a final phase of testing aimed at identification of the causation of the original fire. This final phase of testing will involve computer modeling and multiple experiments in a full scale re-creation of the seed room (the area of origin). Construction for these full scale tests started at the end of February. Our final analysis will combine the results of the fire tests with computer modeling to develop a comprehensive understanding of the fire event. The results of this testing and modeling will be crucial to obtaining accurate and complete findings and recommendations. ATF anticipates completing this final phase of testing by August 2015. Once the final testing takes place, the data will be analyzed over the next several months. With respect to investigation other than the testing and analysis at the FRL, ATF and the Texas State Fire Marshal are currently reviewing thousands of pages of documents that have become available as the result of ongoing civil court cases related to the fire. These documents

include reports generated by private sector fire science experts and depositions of West Fertilizer employees and other witnesses, the information gleaned from these documents may also provide information essential to reaching complete and thorough final findings and recommendations.

QUESTIONS SUBMITTED BY SENATOR MARK KIRK

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK

Question. How does ATF plan to disrupt violent crime using NIBIN into areas of the country that have minimal resources but high levels of gang members and gun crime?

Lead-in information from original document.—

This subcommittee has highlighted and prioritized the expansion and use of the National Integrated Ballistics Information Network (NIBIN) in order to enhance the ATF's ability to collect, report, and share ballistics intelligence with Federal, State, and local law enforcement partners to disrupt violent criminal activity. Last year, I toured the impressive Crime Gun Center in Chicago that utilizes NIBIN technology.

Answer. As part of its implementation of regionalized Crime Gun Intelligence Centers (CGIC), ATF has integrated NIBIN into a comprehensive strategy to combat violent crime. CGICs synthesize all available intelligence related to crime guns in the serviced area (e.g., NIBIN, crime gun trace data, suspect information, cooperating source information, and acoustic location data), thus allowing ATF and its partners to target deployment of resources in the community where they are most needed and effective in combatting firearm violence.

In instances where access to NIBIN is not readily available in individual communities, ATF provides access to NIBIN through its three ATF laboratories. Mechanisms to provide regional NIBIN access include providing funding or other resources for transportation of evidence to the laboratory for entry and analysis. These efforts are aimed at providing broad, cost-effective access to communities currently without NIBIN equipment while ATF pursues options for funding direct access for additional communities.

Question. Can the ATF highlight the success of NIBIN in getting shooters out of our neighborhoods?

Lead-in information from original document.—

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Answer. Many cases highlight how NIBIN has been utilized to identify shooters who terrorize communities. In Denver, Colorado, for example, shell casings matched through NIBIN have helped lead to at least 35 arrests in more than 50 shootings in the last 2 years. Federal firearms offenses have been filed against 13 of these individuals, and five others have had their parole revoked.

One of the Denver investigations demonstrates how NIBIN assists law enforcement in linking and solving seemingly unrelated shootings. In that case, police were investigating three separate shootings. The first shooting occurred when a woman encountered a burglar attempting to break into her home and threatened to call police. The perpetrator then fired a shot through the woman's dining room window. A short time later, during another home invasion, a perpetrator fired another shot while breaking into the home. Officers collected the spent shell casings from both scenes and entered them in NIBIN. Two days later, during the investigation of a street fight in which several shots were fired in the altercation, investigating officers recovered six expended shell casings. The NIBIN analysis of the shell casings recovered in all three of the shootings revealed that the same gun had been used in each crime. This information allowed investigators to identify and arrest a suspect who is now pending trial.

A second recent example involved the shooting investigation of two Police Officers in Ferguson, Missouri. NIBIN played a crucial role in the investigation by linking the firearm used in the shooting with the suspect. This individual has now been charged with the attempted murder of two police officers. These examples illustrate

the value of NIBIN in identifying, apprehending and prosecuting criminals involved in firearms violence in communities across our Nation.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

VIOLENCE REDUCTION NETWORK

Question. As a response to the violent crime in Little Rock and West Memphis, Arkansas, and I understand that both are potentially to be named a VRN (Violence Reduction Network) site. Would you support that initiative? Would there be enough agents in Arkansas to support this initiative and maintain the daily operational mission?

Answer. The Department of Justice's Office of Justice Programs, Bureau of Justice Assistance (BJA) makes final determinations as to sites included in the Violence Reduction Network (VRN). The new sites will be announced on September 29, 2015 at the VRN Summit in Detroit, Michigan. ATF closely coordinates with BJA and other VRN partners in evaluation of potential sites, which includes an assessment of available resources from participating agencies. ATF believes the VRN is a valuable asset to combat and reduce violent crime and is supportive of expanding VRN sites. With respect to the potential expansion of the VRN to Little Rock and West Memphis, ATF defers to BJA's overall assessment. ATF notes that expansion of VRN locations does not necessarily entail redeployment of agent resources, as the VRN focuses on identifying creative solutions that support local law enforcement efforts to reduce violent crime without straining existing Federal capacity. That said, ATF agent resources within the Little Rock Field Office that also supports the West Memphis area are currently operating at full capacity.

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK

Question. What are the benefits of NIBIN (National Integrated Ballistic Information Network)? Is NIBIN effective in Arkansas and how? Is NIBIN owned by ATF and where do you see the future of this technology going?

Answer. *What are the benefits of NIBIN?*—NIBIN is a system of computer hardware and software coupled with a database which is employed to acquire, transmit, store, compare, and retrieve digitized images of firearms evidence (shell casings and projectiles). It is the only interstate, automated ballistic imaging network in the United States, and is available through more than 150 sites around the country to most major population centers. ATF's NIBIN program integrates the technological capabilities of the system with other investigative tools to expand its use beyond forensic comparison and matching. NIBIN is a key component of ATF's Crime Gun Intelligence Centers, which integrate NIBIN, crime gun tracing and other investigative tools to identify, target, and prosecute shooters and their sources of crime guns. NIBIN allows participating partners to conduct local, regional and national searches of recovered firearms evidence to quickly establish links between violent crimes —including links that would have never been identified without this technology.

A NIBIN hit report provides law enforcement with immediate tactical leads and longer term strategic intelligence to assess gun crime patterns. Tactical leads include matching "hits" to link separate incidents to the same crime gun, often allowing investigators to quickly identify suspects and undertake immediate enforcement action—preventing additional firearm violence by "trigger-pullers."

Longer term strategic analysis of NIBIN data allows an understanding of patterns underlying firearm violence such as gun sharing within and among criminal groups and sources of illegally trafficked firearms.

Is NIBIN effective in Arkansas and how?—In 2013, ATF provided a number of resources (both in personnel and training) to the Arkansas State Crime Lab and Little Rock Police Department. ATF's objective was to ensure that both the crime lab and police department could fully take advantage of NIBIN and Firearms trace data to better serve the citizens of Arkansas.

Specifically, ATF sent

—One specialist from the Atlanta Laboratory Center to train the Little Rock P.D. as well as several other local police departments and Arkansas Crime Lab personnel on the new ATF-funded, state-of-the-art Brasstrax unit.

—One specialist to perform the evidence entries at the Little Rock Police Department in order to alleviate a massive backlog of evidence.

—Several Special Agents to conduct test firing of crime guns at the Little Rock P.D. evidence vault.

—Several special agents from the Firearms Trafficking Branch to Little Rock P.D. to facilitate comprehensive crime gun tracing of all firearms recovered by the Little Rock P.D.

Is NIBIN owned by ATF and where do you see the future of this technology going?—ATF is the sole owner of the NIBIN digital image database.

ATF is continuously seeking new and innovative ways to both capture crime gun intelligence and better analyze this data to the benefit of law enforcement—including a means for portable acquisitions via smaller and lighter Brasstrax hardware, and an algorithm that further narrows down the correlation times on crime gun comparison.

ATF FIRE INVESTIGATIONS

Question. I understand ATF worked the tragic Annapolis fire scene earlier this year. Can you discuss ATF's role in fire investigations, and how can our local fire investigators in Arkansas utilize your expertise?

Answer. ATF Certified Fire Investigators (CFI) are highly trained special agents who provide technical support, analysis, and assistance to ATF and its State and local partners in fire origin and cause determination, forensic fire scene reconstruction, and arson investigation. CFI's complete a 2-year training program that includes fire origin and cause determination, fire dynamics, fire modeling, building construction, electricity and fire causation, health and safety, scene reconstruction and evidence collection. The program relies on rigorous training, education, and experience to qualify agents to testify as expert witnesses in the field of fire origin and cause. ATF CFI's are the only Federal law enforcement officers within the Department of Justice who are qualified to render opinion testimony as to fire origin and cause.

CFIs investigate fires with a Federal nexus, and as seen in Annapolis, Maryland, assist State and local partners in the investigation of large scale incidents. ATF routinely deploys CFIs and veteran special agents, certified explosives specialists, forensic mapping specialists, accelerant and explosives detection canine teams, explosives enforcement officers, fire protection engineers, electrical engineers, and forensic chemists to assist state and local departments with large scale fire scenes that exceed the scope of what the local authorities can manage with their available resources.

Through its CFI program, ATF has a long-standing, very close working relationship with fire departments across Arkansas. ATF currently has one special agent/CFI stationed in Little Rock. This CFI is fully engaged with numerous fire departments and law enforcement agencies across the State. In addition, ATF is in the process of providing the Arkansas State Police with an ATF-trained Accelerant Detection K–9 team to support the State's fire investigative resources. ATF also routinely deploys, as needed, CFIs from contiguous States into Arkansas to support investigations and provide training.

ATF has deployed additional resources into Arkansas to support large scale incidents and fires on numerous occasions over the past several years. Notable investigations include:

—*2013.*—During a rash of incendiary fires, ATF formed an Arson Task Force with Little Rock Fire Investigators to investigate a serial arsonist. The suspect was arrested by ATF and plead guilty to violations of Title 18, U.S.C. 844, and received a 10 year Federal sentence.

—*2013.*—ATF's National Response Team (NRT) assisted in the investigation of the First Baptist Church in Highland Park. The fire was ruled undetermined.

—*2010.*—An ATF CFI assisted the Bella Vista Fire Department in the investigation of a fire that claimed the lives of all five members of a family. The cause of the fire was determined to be accidental.

—*2008.*—An ATF CFI assisted the Bentonville Fire Department in the investigation of a fire that claimed the lives of five children ranging in age from 5–13 years old. The fire was ruled undetermined.

LOCAL PARTICIPATION IN THE eTrace PROGRAM

Question. How do you promote local participation in the eTrace program?

Answer. ATF's primary method of promoting the use of eTrace occurs on a local level in each ATF Field Division, particularly during the course of joint investigations ATF understands that the best way to educate law enforcement agencies about the benefits of eTrace and firearms tracing is to have those agencies see successful results from use of the system in their own investigations. Promoting universal tracing through eTrace is also a cornerstone of ATF's Frontline business model. Use of eTrace is an essential component of the enhanced enforcement operations (also

known as "surges") that ATF conducts annually under Frontline. As part of each enhanced enforcement operation, ATF ensures that participating local law enforcement agencies have entered an eTrace system Memorandum of Understanding (MOU), and have been adequately trained in the use of eTrace. Additionally, the National Tracing Center (NTC) dispatches a team to each enhanced operation site to conduct refresher training and to assist law enforcement agencies in the entry of any backlog of untraced recovered crime guns into the eTrace system; entry of all recovered crime guns provides ATF and local partners with a baseline to help define the local crime gun problem, including the identification of illegal sources of firearms and the identity of illegal traffickers.

ATF also promotes eTrace through technological enhancements to the system, For example, in fiscal year 2014, ATF added a collective data sharing capability to the eTrace system; this improvement allows agencies within the same State to share trace data. Throughout fiscal year 2014, ATF deployed NTC personnel to conduct briefings and training about this new eTrace capability. The enhanced capability yielded immediate benefits; in fiscal year 2014 the NTC received the highest number of trace requests ever, 364,441, an increase of more than 22,000 requests from fiscal year 2013.

FEDERAL FIREARMS LICENSEES (FFL) INSPECTION PROTOCOL

Question. There is this implied philosophy among ATF Investigators where they have this "gotcha" attitude toward FFL inspections. Is this agency protocol?

Answer. ATF investigators, managers and executives strive to promote compliance rather than adverse findings during inspections, and often work with industry members when possible to encourage dialogue and seek reasonable remedies where appropriate. ATF industry operations investigators (IOIs) conduct inspections of FFLs to ensure compliance with the law and regulations and to educate licensees on the specific requirements of those laws and regulations. If violations are discovered during the course of an FFL inspection, the tools that ATF has available to guide the FFL into correction of such violations and to ensure future compliance include issuing a report of violations, sending a warning letter, and holding a warning conference with the industry member. Despite these actions, on rare occasions ATF encounters a licensee who fails to comply with the laws and regulations and demonstrates a lack of commitment to improving his or her business practices. In such cases where willfulness is demonstrated, ATF's obligation to protect public safety may require revocation of the FFL.

IOIs are trained to provide fair and consistent treatment to industry members. Performance ratings, awards, or other incentives are not based on numbers of violations cited or inspections recommended for administrative action. In fiscal year 2014, ATF conducted 10,429 firearms compliance inspections. Of these inspections:

—48 percent resulted in no violations cited.
—Less than 1 percent were revoked.
—Less than 1 percent surrendered their license in lieu of revocation.
—13 percent were issued a Report of Violations.
—13 percent received a warning letter.
—6 percent resulted in a warning conference.
—19 percent were found to be out-of-business, etc.

ATF MODERNIZATION

Question. What does your modernization philosophy entail? What techniques or technology are you exploring?

Answer. *What does your modernization philosophy entail?*—ATF's modernization philosophy entails implementing a Business Process Management System (BPMS), which involves replacing ATF's aging case management system and streamlining other information systems. BPMS technology will better support ATF's mission by implementing paperless workflows, increasing accountability, and providing more timely and complete performance feedback to ATF Leadership, thus allowing ATF to better to gauge the results of its regulatory and criminal enforcement efforts.

What techniques or technology are you exploring?—ATF is exploring a variety of BPMS tools, which are commercial-off-the-shelf (COTS) software products. BMPS tools will provide ATF with the ability to more quickly adapt to new laws, regulations, and DOJ/ATF policies, while creating efficiencies in workflow, mission objectives and performance accountability.

MARTINSBURG FACILITY AND THE NATIONAL FIREARMS ACT BACKLOG

Question. I see that you are requesting $8 million to expand the Martinsburg Facility. How will this be utilized and will it reduce the National Firearms Act backlog?

Answer. $8.1 M will expand capacity for the Martinsburg Facility through investment in the following additional resources:

—The hiring of an additional ten (10) Legal Instrument Examiners (FTEs). These examiners will support the analysis and processing of applications for registration of weapons as required by the National Firearms Act (NFA).—Total investment: $635,000.

—NFA Processing support (FTE overtime and an additional 20–30 contract research assistants).—Total investment: $2.5 million.

—Equipment, IT Support and contract staff.—Total investment: $5 million.

—Specific includes:

—*$2.0 million*.—Digital Imaging scanner, software and hardware (primarily storage) to improve ATFs capacity to digitally image and store Out-of-Business Records (OBR). This includes conversion and storage of electronic OBR in accordance with policy and law.

—*$750,000*.—eTrace. Ongoing maintenance and development enhancements to sustain and improve the systems performance.

—*$2.25 million*.—Current Imaging software (Captiva) upgrades for two high speed scanners. ATF receives an average of 1.2 million OBR per month. ATF currently uses two high speed scanners to digitally image those records. The Captiva upgrades will replace out of date software used by the scanners that has not been supported for over 6 years.

In fiscal year 2014 the National Firearms Act Branch (NFA) received over 221,000 new applications, reaching a peak of 81,000 pending applications in February 2014. In addition, the NFA processed about 236,000 applications in total utilizing current staffing and significant overtime. In fiscal year 2015, it is anticipated that NFA will receive over 276,000 new applications, and that existing staffing and similar overtime allocations will permit the processing of approximately 292,000 applications. In fiscal year 2016, it is estimated that the NFA Branch will receive approximately 346,000 applications. Therefore, additional staffing is needed to ensure that ATF does not further delay processing times. The ten positions requested in the fiscal year 2016 budget, comprised of eight Legal Instrument Examiners, one supervisory Legal Instrument Examiner, and one Assistant Branch Chief, will enable ATF to establish a fourth examiner processing section within the NFA. The additional Legal Instrument Examiners are projected to be able to process an estimated 96,000 applications in a 1 year period, following the initial 9–12 month training period. ATF estimates that the current 6 month time period for processing Tax Paid Applications (ATF Forms 1 and 4) can be reduced to 90 days after new personnel are fully actualized.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

ATF SURVEILLANCE TECHNOLOGY

Question. Under the BATFE's current policies relating to the use of cell-site simulators, how many times has the BATFE employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

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Answer. Although ATF has equipment capable of capturing license plate images, ATF does not have any database that contains license plate reader (LPR) data. In addition, ATF does not forward license plate images obtained with this equipment to any other government databases. ATF's equipment consists of the following:

—Approximately 30 hi-definition LPR systems. These systems capture LPR images but do not transmit any data.

—6 older LPR systems. These were initially purchased to support church fire investigations. These systems capture LPR images but do not transmit any data.

ATF DRONES

Question. Since that report, has the ATF employed drones in support of its mission?

Lead-in information from original document.—

In 2013, the Department of Justice Office of the Inspector General released an interim report on DOJ's use of domestic drones. The report noted that al-

though the FBI was the only DOJ component to have operated drones at the time, ATF reported that it planned to deploy drones in future operations.

Answer. Yes. ATF's National Response Team (NRT) purchased five small, commercially available Unmanned Aircraft Systems (UAS) to help document fire and explosion crime scenes (not for conducting law enforcement surveillance). The NRT used one of these units to conduct one brief UAS flight in July 2014 to document the aftermath of a Louisiana apartment fire that resulted in the deaths of three residents. ATF has temporarily grounded these UAS platforms pending further ATF policy guidance on deployment requirements. The Department of Justice has recently issued policy guidance for the use of UASs. ATF is in the process of incorporating this DOJ guidance into its policy on the use of its' UAS. In addition to the single use of the NRT UAS, ATF has received UAS support from the U.S. Customs and Border Protection (CBP) on four occasions for purposes of conducting surveillance and planning search warrants.

Question. If not, please provide an update on ATF's plans on using drones in the future and if so, please provide a fulsome description of the instances in which ATF has deployed drones and what measures are being taken to ensure that Americans' privacy rights are being protected.

Lead-in information from original document.—

In 2013, the Department of Justice Office of the Inspector General released an interim report on DOJ's use of domestic drones. The report noted that although the FBI was the only DOJ component to have operated drones at the time, ATF reported that it planned to deploy drones in future operations.

Answer. ATF has no immediate plans to purchase UAS systems. ATF has received the *Presidential Memorandum: Promoting Economic Competitiveness and Innovation While Safeguarding Privacy, Civil Rights, and Civil Liberties in the Domestic Use of Unmanned Aircraft Systems, dated February 15, 2015* (Presidential Memorandum). ATF continues to work with the Department's Office of Privacy and Civil Liberties, through the DOJ UAS working group, to ensure appropriate use of UAS. Future ATF Directives on the use or deployment of UAS in support of ATF missions will be in compliance with the Presidential Memorandum and all DOJ guidelines, including the recently released DOJ policy. Additionally, to track any potential, future use of UAS's and in compliance with this policy, the ATF case management system has been updated with mandatory entry fields to capture deployment, authorization, and operating agencies.

QUESTIONS SUBMITTED TO THE DEPARTMENT OF JUSTICE—JOINT LAW ENFORCEMENT TASK FORCES

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

FEDERAL TASK FORCE OPERATIONS

Question. How does the Department of Justice ensure that the thousands of State and local officers on your task forces have received proper training in areas like use of force or avoiding racial bias?

Answer. On December 8, 2014, DOJ issued new guidance for *Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation or Gender Identity.* It builds upon and expands the framework of the 2003 Guidance, and it reaffirms the Federal Government's deep commitment to ensuring that its law enforcement agencies conduct their activities in an unbiased manner. The guidance applies to Federal, State, and local law enforcement officers in all enforcement areas. It further defines the circumstances in which Federal law enforcement officers may take into account a person's race and ethnicity, including gender, national origin, religion, sexual orientation, or gender identity. The guidance promotes training and accountability to ensure that its contents are understood and implemented appropriately.

In addition, steps taken to provide proper training by each law enforcement component are detailed below:

FBI:

Pursuant to executed Memoranda of Understanding, within the Safe Streets Program (Violent Crime, Violent Gang and Safe Trails Task Forces) and the Joint Terrorism Task Force (JTTF), each task force participant is subject to their respective agency's policy on use of force. Each Task Force Officer (TFO) must maintain his or her own firearm and non-lethal weapon qualification standards in order to con-

tinue to serve on the task force. TFOs are further instructed on Federal policies and guidelines associated with prohibitions on racial profiling and attend mandatory FBI training events. Additionally, the FBI Field Offices host quarterly deadly force policy training sessions for agents.

Under the FBI's Less Lethal Devices Policy (0517PG), dated November 2012, a TFO may also carry a less lethal device issued by his or her home agency only if that agency has provided the FBI with written confirmation that:

—The agency will ensure that while the individual is participating in FBI-led task force operations, the TFO will not carry lethal devices and will carry only less lethal devices that have been issued to the individual and that the individual has been trained in accordance with the agency's policies and procedures.

—The agency's policies and procedures for less lethal devices are consistent with the DOJ policy statement on the use these devices.

—FBI Supervisory Special Agents (SSA) also have the discretion to prohibit TFOs from carrying particular less lethal devices on any FBI-led operation if they believe that the use of such a device may pose hazards or risks to the operation's participants due to environmental, tactical, or other relevant factors.

In 2013, FBI hosted a mandatory training for all JTTF personnel (FBI and TFOs) on the DOJ Less-Than-Lethal Devices Policy.

ATF:

ATF highly values its TFOs and strives to provide them with the training necessary to maximize officer and public safety:

—*TFO Orientation:* ATF provides orientation training for new TFOs in their assigned field division. An ATF supervisor covers 22 ATF policies and provides a reference guide to these policies. These policies specifically include ATF's Use of Force policy, ATF Order 3020.2A. The TFO and supervisor complete an Orientation Checklist, including a written certification by the TFO that it discussed these policies with ATF.

—*New Employee Training:* ATF provides training on policies and procedures, applicable Federal laws, criminal procedure, and investigative techniques. One block of this training ATF and DOJ Use of Force policies. Another block includes a review of Federal case law regarding race and ethnicity in criminal enforcement operations.

—*Firearms Training:* ATF requires each TFO to complete a quarterly firearms training and tactical operations training, both of which include specific review and discussion of ATF's Use of Force policy.

—*Operational Plans and Briefs:* TFOs participating in ATF enforcement operations are also required to review operational plans and/or attend pre-operational briefs, both of which include a review of Use of Force policies.

Finally, pursuant to the December 2014 DOJ guidance, ATF developed a mandatory training module for all agents and TFOs, and began training in May 2015. ATF will periodically update the training and regularly present it to agents and TFOs nationwide.

DEA:

DEA does not tolerate racial profiling or the use of excessive force, nor does it target individuals or groups based on race, ethnicity, gender, national origin, religion, cultural differences, linguistic capability, sexual orientation, or gender identity. As a part of its policy and practice, DEA safeguards against racial profiling by ensuring thorough training and oversight, and when appropriate effective discipline.

Prior to assigning a State or local officer to a task force, State and local law departments (Chief of Police, Internal Affairs, Personnel Office, and immediate supervisor), the Division Special Agent in Charge (SAC), and DEA Headquarters (HQ) must approve the assignment. DEA may reject any nominee based on the officer's training, attitude, past performance, or other factors bearing on suitability. Officers should have at least 2 years of police experience.

Traditionally, DEA field offices conduct the TFO Certification Training program on an "as-needed" basis within the offices' geographic jurisdiction. The Divisional Training Coordinators (DTC) are responsible for providing and coordinating training to newly selected Task Force members. Each new TFO receives 39 hours in official training and each division can offer additional training to their staff pertinent to their mission.

When DEA deputizes State and local law enforcement officer as a TFO, he or she is granted certain Federal law enforcement powers and becomes subject to the same Federal laws and standards addressing employee suitability as a normal DEA Special Agent. DEA requires all deputized TFOs to follow all DEA policies and procedures, which are explained during the official training.

USMS:

USMS requires State and local officers on fugitive task forces to meet certain criteria to join the task force. The requirements include basic law enforcement training and use of force policy training. Additionally, within the Memorandum of Understanding process for an agency to place an officer on a USMS task force, the sponsoring agency must provide USMS with a copy of its use of force policy to ensure that it does not conflict with DOJ use of force policy. The officer must also acknowledge understanding of the Department's use of force policy during the Special Deputation process.

Question. Do police departments have to submit any kind of training certification to the FBI, DEA, ATF or Marshals Service before their officers can join Federal task forces?

Answer.—

FBI:

FBI Task Force Officers assigned to the Safe Streets Initiative obtain Title 18 deputization through the USMS. TFOs must qualify with a firearm before being deputized. In addition to Title 18 deputization, all violent gang and Safe Trails TFOs obtain Title 21 deputization. All TFOs, including Safe streets and JTTF, are vetted with their respective agencies to ensure compliance with their internal policies and to ensure there are no outstanding or excessive internal affair matters. TFO must have Top Secret security clearance and all TFOs must maintain their firearm and non-lethal weapon qualifications.

ATF:

TFOs must complete basic law enforcement training and firearm qualifications. Officers, whose service lapsed for at least 5 years, are required to take a refresher law enforcement training course. These certifications are required to deputize all ATF TFOs. The specific training certification questions on this form are:

—*Question #15:* "I have successfully completed the following basic law enforcement training program or military equivalent." This question requires that applicants list the academy they attended, course name, location and completion date.

—*Question #16 (if necessary):* "I had a 5-year break in law enforcement and have completed a law enforcement refresher course within a year of signing this application." This question also requires that the applicant list the agency that has provided refresher training, course name, location, and completion date.

—*Question #19:* "I have qualified with my primary authorized firearm." This question requires the applicant to describe the firearm and qualification date.

DEA:

DEA does not require proof of certification for new TFO's. Instead, DEA requests that the parent agency provide a Letter of Good Standing from an official at the rank of Lieutenant or above. The letter certifies TFO compliance with DEA's drug use policy and that he or she has no pending internal affairs investigations. DEA also conducts criminal history checks using Narcotics and Dangerous Drug Information System (NADDIS), National Law Enforcement Telecommunications System (NLETS), and National Crime Information Center (NCIC).

DEA TFOs can only remain as a full time TFO for four consecutive years; however, at the SAC's discretion, he/she can extend the agreement for another 4 years. This is done by request from the SAC via a DEA memorandum along with a current background check using NADDIS, NLETS and NCIC. If a TFO returns to his parent agency prior to the 4 years for whatever reason, he or she will be cancelled as a full-time TFO via a SAC's memorandum to DEA HQ. In addition, if a TFO changes agencies while currently assigned to a DEA Task Force, the division will be required to submit a new package, i.e. SAC's memo, Letter of Good Standing from the new agency or department, current background checks, and a Task Force Agreement between DEA and the new agency or department.

USMS:

USMS does not require that State and local officers submit training certifications to the USMS; however, officers must receive Special Deputization from the USMS prior to joining a task force. There are several requirements detailed in the USMS policy for a State or local officer to receive Special Deputation from the USMS. These requirements include that the candidate meet the following requirements:

—Be a full time, sworn law enforcement officer and complete a basic law enforcement training course.

—Have at least 1 year of law enforcement experience with arrest authority (USMS Enforcement Standard Operating Procedures suggest a minimum of 5 years of experience).
—Qualify on their parent agency or USMS course of fire.
—Certify that they have reviewed and agreed to comply with the use of force policy of their employing agency or the Department of Justice.

The senior management official with the agency sponsoring the prospective TFO must complete and submit the USMS paperwork requesting acceptance to the task force and Special Deputation for the officer. In that paperwork, the official also certifies that the officer meets all of the training and experience requirements and that the officer is not under any type of investigation for misconduct.

Question. What types of training do your agents and deputy marshals receive before hitting the streets? What kinds of procedures do you have in place to ensure misconduct does not happen?

Answer.—

FBI:

The FBI's New Agent Training Program (NATP) provides 20 weeks of training for New Agent Trainees (NAT). Misconduct is not tolerated at the FBI Academy and is addressed by monitoring and measuring trainees against suitability standards: conscientiousness, cooperativeness, emotional maturity, initiative, integrity, and judgment. A NAT can be dismissed if they do not meet one or more of the suitability standards. When NATs enter training, they read and sign the rules, regulations, and requirements at the FBI Academy for New Agent Trainees, which outlines these standards and requirements for graduation. FBI prepares documentation when NATs violate standards; thereafter, the trainee is noticed, and the documentation is forwarded to executive management to conduct a New Agent Review Board (NARB) to determine an appropriate action: remediation or dismissal. NATs remain in a probationary status during the first 18 months of their FBI employment, during which they are subject to dismissal for suitability standards. This process is designed to employ only those who are most suitable for a law enforcement career with the FBI.

FBI NATs receive over 80 hours of legal training to ensure that their actions do not infringe upon the rights of individuals, particularly the first and fourth amendments to the Constitution. They are trained to protect an individual's civil liberties in accordance with the Attorney General Guidelines (AGG), the Domestic Investigations and Operations Guide (DIOG), and the Privacy Act. They are trained to understand the fourth amendment requirement of "reasonableness" as it relates to a search. They learn about the FBI's history related to some specific investigations that infringed upon constitutionally protected rights, and they are trained to balance the need for effective law enforcement and intelligence gathering against the rights secured by the First Amendment. NATs are trained to use the "least intrusive" investigative techniques with corresponding approval documentation appropriate to an investigation. They also receive 8 hours of training in the proper level of force to use in accordance with FBI's Deadly Force Policy.

Diversity, ethics, and leadership training are also emphasized in the NATP. NATs are trained in Decision Making, Core Values, and Leadership while focusing on a Civil Rights Case Study. Trainees explore key concepts bearing upon the development of personal and professional judgment, ethical decisionmaking, and leadership in the context of the Civil Rights Movement, the example of Dr. Martin Luther King Jr., and the complex nature of the FBI's response to the non-violent political action of the era. Trips to the Martin Luther King memorial and the Holocaust Museum emphasize the practical application of ethical and moral conduct, in particular, character and courage.

NATs receive rigorous training in physical fitness, tactics, firearms proficiency, and defensive tactics to ensure that they can properly handle encounters with the public. They receive 25 hours of training, for example, in how to perform compliant handcuffing and search techniques. They receive 16 hours of training in how to perform the necessary defensive tactics, skills, and techniques to resolve a confrontation (e.g., proper restraint techniques). With over 180 hours of practical application exercises, oftentimes interacting with role-players depicting realistic situations they might encounter, graduates of the NATP are well equipped to interact with the public in a safe and lawful manner.

Additionally, a review of the FBI's 'deadly force' policy is a required part of the operational briefing before any FBI search or arrest is executed.

ATF:

All newly-hired ATF Special Agents must complete a rigorous 6-month curriculum and a formal on-the-job training program. ATF conducts basic training at the ATF National Academy at Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. It consists of the FLETC Criminal Investigator Training Program followed by the ATF-specific Special Agent Basic Training program. Agents receive training in the full spectrum of the ATF mission, including firearms, explosives, arson, and alcohol/tobacco diversion. In addition, ATF trains on investigative procedures, legal requirements, operational processes, tactics, and investigative systems.

The curriculum also includes modules related to conduct and accountability. The topics cover Ethics, Standards of Performance and Code of Conduct, and Integrity. The training addresses the use of alcohol, off-duty conduct, use of controlled substances, and notoriously disgraceful conduct.

DEA:

DEA requires that all Basic Agent Trainees (BATs) successfully complete a 950 hour in-residence program. DEA provides additional training at the new agent's assignment using the 800-hour Field Training Assessment program (FTA). The BAT program includes instruction in the following topics: Standards of Conduct, Ethics, and Legal topics pertinent to a DEA Agent. Additionally, each BAT receives instruction in the functions and purpose of the Office of Professional Review and Office of the Inspector General.

USMS:

Before candidates become Deputy United States Marshals (DUSM) and conduct fugitive investigations, they must complete basic training at FLETC in Brunswick, Georgia. Basic training for the USMS consists of the following:

—FLETC's Criminal Investigator Training Program, a 12-week basic law enforcement criminal investigation course.

—The Basic DUSM Training Program, a 4-week course focusing on USMS-specific duties, such as fugitive investigations and officer safety.

—Deputies are also qualified and certified on the use of pistols, shotguns, rifles, and less-lethal devices during basic training.

Once basic training has been successfully completed, deputies report to their assigned districts and undertake the duties and responsibilities of a DUSM, which includes conducting fugitive investigations.

The USMS also requires advanced continuing education and training. The DUSMs are required to attend the Advanced Deputy U.S. Marshal (ADUSM) Training Program within 7 years of completing the basic training and again within 7 years of completing the first ADUSM course. The ADUSM training is used as a refresher course to reinforce what the deputy has learned in basic training, as well as a venue to teach advanced skills and train deputies in new policies and procedures.

The USMS has made a concentrated effort to send as many operational personnel as possible to High Risk Fugitive Apprehension training. This course provides advanced standardized, tactical-based training, with the goal of enhancing arrest procedures and mitigating risk.

Regarding misconduct, the integrity of the USMS is dependent upon the conduct of its individual employees. Each day the employees of the USMS demonstrate the highest standards of integrity, character, public trust, and professional responsibility. The USMS seeks to maintain these standards and improve all aspects of professional responsibility among its employees.

The USMS policy contains a Code of Professional Responsibility, which sets forth 38 standards to govern employees' on and off duty conduct. The USMS employees are required to read the Code of Professional Responsibility each year and acknowledge their understanding all 38 standards. The USMS also uses in-service and on-line training to keep employees up-to-date on expected operating procedures and responsibilities. Finally, the USMS makes available all policies and standard operating procedures to all employees to clearly convey expectations regarding conduct and behavior. Within the USMS, policies define the discipline management procedures and penalties for employee misconduct.

SUBCOMMITTEE RECESS

The subcommittee is in recess.

[Whereupon, at 11:45 a.m., Thursday, March 12, the subcommittee was recessed, to reconvene in closed session.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016

THURSDAY, APRIL 16, 2015

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

The subcommittee met at 2:38 p.m., in room SD–192, Dirksen Senate Office Building, Hon. Richard C. Shelby (chairman) presiding.

Present: Senators Shelby, Cochran, Capito, and Mikulski.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

STATEMENT OF HON. CHARLES F. BOLDEN, JR., ADMINISTRATOR

OPENING STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. The meeting will come to order. We have just had a Senate vote. I believe we will be joined by Senator Mikulski and some others in a few minutes. General, your time is valuable, and I thought I would get started.

Again, welcome to the subcommittee. This subcommittee has been very supportive, General Bolden, of NASA and its work to maintain a healthy funding level for NASA while preserving a balanced and I believe a productive space program.

NASA's work is exciting, as you well know, inspiring, and educational. From the photos of galaxies captured by the Hubble Space Telescope to the future of humans traveling to Mars, NASA has captured the imagination of school children and citizens across the globe, and inspired generations of scientists and engineers.

This country has limited resources, however, which requires us to prioritize our spending. NASA spending is not an exception. The NASA budget proposes a total funding level of $18.5 billion, an increase of $519 million above the 2015 level. Such a significant increase should represent balanced funding for NASA's priorities. Perhaps not enough.

Instead, there is a sizeable growth in programs like Commercial Crew and Space Technology, while other programs, such as science missions and Exploration Systems Development have significant reductions. The cuts to Exploration are especially concerning to the subcommittee. The successful test of the Orion capsule last December showcased NASA's innovative plans for the future.

This budget could have been an opportunity, I believe, for NASA to boldly support human exploration after years of budget requests, in which I believe it was short changed.

Instead, NASA's budget cuts funding to Orion and the Space Launch System, or SLS, limit our reach in human exploration. A 20 percent cut to SLS during its critical phase of development risks important investments that have been made in communities across the country. It also risks the success of the program.

The budget makes it impossible, a lot of people believe, for NASA to make efficient and cost effective decisions for the long-term development of a launch system that is being built to achieve the Nation's human exploration goals.

While NASA is good at creating charts and talking about moving human exploration beyond our current capabilities, NASA has yet again failed to propose a budget that can accomplish what the agency claims is one of its top priorities.

General Bolden, a lot of us are troubled by the overall priorities included in this budget, requiring key development programs to operate with insufficient funding is irresponsible. While the proposed funding level of $18.5 billion is a good start, there is much work to do and it must be done to develop a balanced budget that achieves NASA's core missions and its future goals.

I look forward to working with you to address some of these concerns. At this point, I want to recognize Senator Mikulski, the vice chair of the full committee.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Mr. Chairman. Administrator Bolden, we welcome you. I apologize for being late. We actually had a tremendous victory in the Senate, the Elementary and Secondary Education Act passed 21–0 out of the committee. We were kind of doing a victory lap.

Today, I know we are here to examine the NASA budget request of $18.5 billion. It is $0.5 billion more than what was enacted in fiscal year 2015.

As I look at this budget request, I have very deep concerns. I am concerned that we could be having a threat to the balanced space program that we have all worked together on an bipartisan basis on and said yes to human space flight. We need a reliable transportation system both for our astronauts to go where they have not had a chance to go before and can do important servicing missions.

I am concerned, of course, about what is about to happen to the Goddard Space Flight Center, which I do not think gets a fair shake in this particular appropriations. The Goddard request for science missions is $3.0 billion, it is $324 million below fiscal year 2015.

The Goddard is currently operating 35 on orbit missions. It also is absolutely key to the Hubble Space Telescope and the James Webb Telescope and others. I want to know why Goddard was cut $300 million.

Of course, we are deeply concerned about other efforts, one of which is the whole issue of satellite servicing. Satellite servicing is absolutely important to our national interest. It was cut by $65 million. It was $130 million in fiscal year 2015.

The whole idea of satellite servicing as we know, is that our country and our private sector have satellites. We do not want them to just die in space and be space junk. They can be re-serviced. There is technology and workforce at Goddard that knows how to do it. Somehow or another, we do not seem to want to invest in it or if we do, we short change it.

Of course, there is the Wallops Flight Facility. We put money into the Federal budget in terms of fixing Wallops after the terrible storm. We know there was $20 million, Mr. Chairman, you worked with us on, and I know in a recent conversation with Senators Warner and Kaine, they do not feel that Wallops is on track, and if they do not feel Wallops is on track, neither do I.

I have some questions about all this. I really need to hear these answers, because I feel, do we have a balanced space program or not.

Mr. Chairman, I know we want to move on. I am through with my remarks.

Senator SHELBY. Thank you. Senator Cochran, do you want to be recognized?

STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, just to join you and Senator Mikulski in welcoming our witness. We appreciate very much your assistance in helping us identify the priorities of NASA and related activities. We are pleased about the development of the Space Launch System.

As you know, the Stennis Space Center located in my State is very important, not just for the work that it does in the scientific area, in research, but also rocket testing and the infrastructure at Stennis is a very important asset for the entire system and our Nation's goals in space.

Thank you, Mr. Chairman.

Senator SHELBY. Thank you. General Bolden, again, welcome to the subcommittee. Your full statement will be made part of the record, as you know. Proceed.

SUMMARY STATEMENT OF HON. CHARLES F. BOLDEN, JR.

Mr. BOLDEN. Thank you very much, Mr. Chairman. At the outset, Chairman Shelby, with your permission, I would like your indulgence to say a few words of thanks for Ranking Member Mikulski.

Senator Mikulski, it is safe to say that all of us at NASA and across the space community were saddened at your recent announcement that this will be your last Congress. You have been a champion for America's space program.

This week and next week, we celebrate the 25th anniversary of the Hubble's mission, and there is no question that we would not have reached this milestone were it not for your unwavering support.

Of course, there is still 2 years of work ahead of us in the Congress, and we look forward to continuing to work with you, Chairman Shelby, and the other members of this subcommittee.

Mr. Chairman and members of the subcommittee, 5 years ago yesterday, President Obama came to the Kennedy Space Center

and laid out what I believe is a bold transformative agenda for NASA. He challenges us to embark on a journey to Mars.

He spoke of extending the life of the International Space Station (ISS), and increasing earth based observation. He called for investments in new advanced technologies that will not only take Americans farther into space than ever before, but also will provide spin off benefits and create high paying jobs here at home.

Five years later, we have made landmark progress toward those goals. SpaceX's successful launch this week is a shining example.

The budget you consider today furthers the goals that we share of extending our reach into space while strengthening American leadership here at home. It is an $18.5 billion investment that represents a leap into a future of greater discovery, job creation, and economic growth, as well as a healthier planet.

Thanks to the hard work of our NASA team and partners all across America, we have made a lot of progress on our journey to Mars. In fact, we have now progressed farther on this path to sending humans to Mars than at any point in the history of NASA, and this budget will keep us marching forward.

The support of this subcommittee and the Congress are essential to this journey. The International Space Station is the critical first step in this work. It is our springboard to the rest of the solar system, and we are committed to extending space station operations to at least 2024.

Thanks to the grit, determination, and American ingenuity, we have returned ISS cargo resupply missions to the United States, insourcing these jobs and creating a new private market in low-Earth orbit.

Under a plan outlined by the administration earlier in its term, we have also awarded two American companies, SpaceX and Boeing, fixed price contracts to safely and cost effectively transport our astronauts to the space station from U.S. soil.

This will end our sole reliance on Russia. It is critical that we receive the funding requested in the 2016 budget so that we can meet our 2017 target date and stop writing checks to the Russian Space Agency.

Our newest, most powerful rocket ever developed, the Space Launch System or SLS, has moved from formulation to development, something no other exploration class vehicle has achieved since the agency built the Space Shuttle.

The Orion spacecraft performed flawlessly on its first trip to space this past December. The SLS and Exploration Ground Systems are on track for launch capability readiness by November of 2018, and the teams are hard at work on completing technical and design reviews for Orion.

Our budget also funds a robust science program with dozens of operating missions, studying our solar system and the universe. New Horizons is preparing for its arrival at Pluto in July, and Dawn has entered into orbit around the dwarf planet Ceres.

Before we send humans to Mars, robots are paving the way. We are at work on a Mars rover for 2020, and have begun planning a mission to explore Jupiter's fascinating moon, Europa.

NASA is a leader in earth science and our constantly expanding view of our planet from space is helping us better understand and

prepare for these changes. NASA has 21 research missions studying earth, and in the last year alone, we launched an unprecedented five more.

We also are at work on humanity's first voyage to our home star, a mission that will repeatedly pass through the Sun's outer atmosphere. NASA's Hubble, Chandra, and Kepler Space Telescopes explore the universe beyond our solar system. Hubble's successor, the James Webb Space Telescope, is taking shape right now out in Maryland, and a new mission is in development to extend Kepler's pioneering work in finding planets.

Technology drives science, exploration, and our journey to Mars. With the President's request, NASA will continue to maintain a steady pipeline of technology, to ensure that we continue to lead the world in space exploration and scientific discovery.

NASA is also with you when you fly, and we are committed to transforming aviation by dramatically reducing its environmental impact, maintaining safety in more crowded skies, and paving the way toward revolutionary aircraft shapes and propulsion systems.

Mr. Chairman, America's space program is not just alive, it is thriving. The strong support we receive from this subcommittee is making that happen. I particularly appreciate the generous fiscal year 2015 appropriations that you generated.

The President said at the Kennedy Space Center, and I quote "For pennies on the dollar, the space program has improved our lives, advanced our society, strengthened our economy, and inspired generations of Americans."

NASA looks forward to working with the Congress to continue making this vision a reality.

I would now be pleased to respond to your questions.

[The statement and the President's budget request summary follow:]

PREPARED STATEMENT OF HON. CHARLES F. BOLDEN, JR.

Mr. Chairman and members of the subcommittee, I am pleased to have this opportunity to discuss NASA's fiscal year 2016 budget request. The President is proposing a fiscal year 2016 budget of $18.5 billion for NASA, building on the significant investments the administration has made in America's space program over the past 6 years, enabled through the strong and consistent support by this subcommittee and the Congress. This request will allow NASA to continue to lead the world in space through a balanced program of exploration, science, technology, and aeronautics research. NASA is an outstanding investment for our Nation not only because we uncover new knowledge, but because we raise the bar of human achievement, inspiring the next generation of scientists, engineers and astronauts.

The fiscal year 2016 request includes $4,505.9 million for Exploration with $2,862.9 million for Exploration Systems Development, $1,243.8 million for Commercial Space Flight, and $399.2 million for Exploration Research and Development. This funding, with critical investment from each of NASA's mission directorates, supports NASA's plans to, as the President said in his State of the Union speech, continue our journey to Mars and push "out into the solar system not just to visit, but to stay[.]" NASA has made tremendous progress on this journey, and we will continue to progress, with building momentum, through the years to come.

As part of our strategic, stepping stone approach to deep-space explorations, NASA is facilitating the development of a U.S. commercial crew transportation capability with the goal of launching NASA astronauts from American soil in the next couple of years. This initiative to facilitate the success of U.S. industry to provide crew transportation to low Earth orbit will end our sole reliance on Russia and ensure that we have safe, reliable and cost-effective access to the ISS and low-Earth orbit. The Commercial Products Contracts allowed potential providers to better understand and align with NASA human spaceflight requirements and gave NASA

early insight into vehicle designs and approaches. NASA has now entered the development and certification phase with the award of two FAR-based, fixed-price Commercial Crew Transportation Capability (CCtCap) contracts to American companies to transport our Astronauts to and from the ISS. SpaceX and Boeing have laid out milestones with the goal of certified commercial crew capability in 2017. The contractors are committed and at work. Our approach has emphasized competition and redundancy to ensure that NASA's human safety and certification requirements are met, we achieve the best value for the American taxpayer, and we end our sole reliance on Russia for transportation services. Now, we need the funding necessary to execute this plan to completion. With continued support from the Congress, crews will again launch to the ISS from American soil by the end of 2017.

Technology drives science, exploration and economic opportunity. NASA will continue to maintain a steady pipeline of technology to ensure that we continue to lead the world in space capabilities. NASA's fiscal year 2016 request includes $724.8 million for Space Technology, to conduct rapid development and infusion of transformative space technologies that enable NASA's missions and advance our country's dynamic aerospace industry. Over the next 2 years, NASA will execute several in-space demonstrations including: a deep space atomic clock for advanced navigation, green propellant, and four small spacecraft demonstrating pioneering new technologies. This summer, NASA plans to again test our Low Density Supersonic Decelerator off the coast of Hawaii to continue proving in flight the new technologies critical for landing larger payloads on the surface of the Red Planet. Informed by the results of fiscal year 2014 testing of solar array and thruster designs, NASA continues development of a high-powered solar electric propulsion capability to enable future exploration missions and meet needs of U.S. aerospace industry. This capability will be demonstrated on the Asteroid Redirect Mission. We will continue to progress toward a 2019 demonstration of space-to-ground laser communications, a capability that both American industry and NASA mission teams are eager to explore and harness. But the most exciting piece of our technology investments is the broad portfolio of research grants and other early stage investments, where the new technologies that will change the way we operate in space have a chance to move from ideas to components, to demonstrations of new systems and capabilities. These early stage investments are building stronger links between NASA and academia, and providing unique opportunities for the NASA workforce to innovate.

In December, NASA completed the first orbital test flight of the *Orion* crew vehicle, including a successful high speed reentry through the atmosphere. The Exploration Flight Test 1 (EFT–1) mission of *Orion* was nearly flawless. For the first time in a generation, a deep-space U.S. exploration vehicle has splashed down in the Pacific, and what we are learning from this test gives us increasing confidence in the systems we are designing.

Just as we have recently tested *Orion* by sending it on a shorter version of its future missions, we are continuously testing and experimenting on the International Space Station (ISS) in preparation for long-term missions in deep space. The administration has committed to extending operation of the International Space Station to at least 2024. The fiscal year 2016 request includes $4,003.7 million for Space Operations, including $3,105.6 million for ISS. Two commercial providers are now under contract to supply cargo to this critical asset, making the extension possible and giving us increasing confidence in our long-term strategy. On March 27, astronaut Scott Kelly began a 1 year mission aboard the ISS to learn more about how to live and work in space for the long term. We will compare his vital signs to those of his twin brother, Mark, here on Earth in a first-ever experiment using identical twins to learn more about the effects of living in space. This is just one example of the vital knowledge and technology that our outpost in space will provide over the coming decade. The Space Station is the cornerstone of our exploration strategy, a nearby outpost in space where humanity is taking its early steps on its journey into the solar system.

For the next step on the journey, NASA is developing the required deep-space exploration infrastructure while we plan for the earliest missions. NASA has established Agency Baseline Commitments for the Space Launch System (SLS) and Exploration Ground Systems (EGS), each of which supports a launch capability readiness date for Exploration Mission 1 (EM–1) of November 2018. EM–1 is the first mission for SLS and *Orion*. NASA remains on schedule for this EM–1 launch readiness date for SLS and EGS. Baseline cost and schedule for *Orion* are now being developed. NASA's budget request provides the funding needed to keep SLS, *Orion,* and EGS on track. NASA will determine the integrated launch date for the EM–1 mission after all critical design reviews are complete, later this year. SLS and *Orion* are critical to human spaceflight beyond low-Earth orbit as part of an evolvable, sustainable, and affordable exploration program.

The journey to Mars runs through cis-lunar space. NASA's initial deep-space mission, EM–1, will launch to a "Distant Retrograde Orbit" around the Moon. NASA will use this region of space to test and demonstrate flight and mission operations and staging of human-rated vehicles farther from Earth than ever before. Crewed *Orion* missions launched on the SLS in the 2020s will establish our capability to operate safely and productively in deep space. In this 'proving ground' of cis-lunar space, we will prepare for future deep space missions that will lead us to Mars. In late 2020, NASA plans to launch an advanced solar electric propulsion (SEP) based robotic spacecraft to approach an asteroid and remove a multi-ton boulder. After removing the boulder, the SEP spacecraft will redirect the asteroid in a demonstration of slow push deflection, a technique relevant to potential future planetary defense missions, and take the asteroid boulder to a stable Distant Retrograde Orbit around the moon. In 2025, launched by SLS, *Orion* will carry a two person crew on a 24–25 day mission to rendezvous and dock with the robotic SEP spacecraft in cis-lunar space. NASA will maneuver the integrated *Orion* and robotic vehicle stack in lunar orbit for about 5 days. The crew can then conduct Extra Vehicular Activities (EVA) to examine the asteroid boulder and collect samples before returning to Earth. NASA's plan leverages development efforts from existing programs across NASA mission directorates, and provides a critical opportunity to exercise our emerging deep space exploration capabilities.

As NASA strives to achieve the goal of sending humans to Mars, it is important to remember we are already there. For 40 years, increasingly advanced robotic explorers have studied the Red Planet. This has dramatically increased our scientific knowledge and helped pave the way for astronauts to travel there. Our latest Mars spacecraft, MAVEN (Mars Atmosphere and Volatile EvolutioN), arrived last September to study the upper atmosphere and joined a fleet of orbiters and rovers on the surface. Next year, we will send the InSight (Interior Exploration using Seismic Investigations, Geodesy and Heat Transport) lander to study the planet's deep interior. In 2020, a new rover, building on the incredible success of Curiosity, will help us prepare for the arrival of humans at Mars. The Mars 2020 rover will address the highest priority Mars science objectives recommended by the Planetary Decadal Survey and will carry exploration technology investigations focused on capabilities such as in-situ resource utilization that will help in our planning for future human missions.

Mars is a key destination, but only one point on humanity's journey of discovery. Ours is a journey of understanding reaching through our Earth system, across our solar system, and beyond, deep into the universe. The fiscal year 2016 budget request includes $5,288.6 million for Science to continue that mission, with $1,947.3 million for Earth Science, $1,361.2 million for Planetary Science, $709.1 million for Astrophysics, $620.0 million for the James Webb Space Telescope, and $651.0 million for Heliophysics.

NASA's Planetary Science program continues to expand our knowledge of the solar system, with spacecraft in place from the innermost planet to the very edge of our Sun's influence. After 9 years and 3 billion miles of travel, the New Horizons spacecraft awakened and began to prepare for its arrival in the Pluto system in July. Right now, Dawn has entered into orbit around the dwarf planet Ceres. Juno is speeding toward Jupiter where it will not only send back unprecedented data from a first ever polar orbit of our giant neighbor, but will also demonstrate how solar power can work at great distances from the Sun. With the fiscal year 2016 request, NASA will continue development of a robotic asteroid rendezvous and sample return mission, dubbed OSIRIS–REx, planned for launch in 2016. OSIRIS–REx will approach the near-Earth Asteroid Bennu, map the asteroid, and collect a sample for return to Earth in 2023. Looking further to the future, NASA is planning a mission to explore Jupiter's fascinating moon Europa, selecting instruments this spring and moving toward the next phase of our work.

The most important planet we study is the one on which we live—Earth. Today, 21 NASA-developed research missions orbit Earth and provide a quantitative understanding of our complex planet, its origins and its future. In the last year, we have launched an unprecedented five Earth science missions, starting with the Global Precipitation Measurement Core Observatory (GPM) that already has observed Hurricane Arthur's brush of the East Coast last July. The Soil Moisture Active Passive (SMAP) mission, launched in January, will give us for the first time ever, a picture of soil moisture on a global scale, allowing scientists to monitor droughts and predict flooding caused by severe rainfall or snowmelt. New research missions in formulation include PACE, the Pre-Aerosol, Clouds and ocean Ecosystem continuity mission, that observes ocean color, aerosols, and clouds; NISAR, the NASA–ISRO Synthetic Aperture Radar mission, being developed in partnership with the Indian Space Research Organization to measure complex processes such as ecosystem disturbances

and ice-sheet collapse; and CLARREO, the Climate Absolute Radiance and Refractivity Observatory Pathfinder that will begin pre-formulation this fiscal year.

The Landsat series of satellites is a cornerstone of our Earth observing capability. The world relies on Landsat data to detect and measure land cover/land use change, the health of ecosystems, and water availability. The President's fiscal year 2016 request recognizes Landsat's critical importance and sets out a multi-decadal plan for an Earth-observing architecture that ensures data continuity and reliability. The Sustainable Land Imaging program partnership with the Department of the Interior's U.S. Geological Survey will include flight of a thermal-infrared free flyer and an upgraded Landsat-9 mission, while infusing new technological developments for future missions and ensuring consistency with the existing 42-year Landsat data record.

Twenty-five years ago this April NASA deployed the Hubble Space Telescope. Hubble is still doing amazing science, and the last textbook that will have to be revised because of its discoveries has not yet been written. In just slightly over 3 years, NASA plans to launch the James Webb Space Telescope (JWST), Hubble's successor, and continue to reveal the unknown with the largest observatory ever put into space. This amazing telescope is taking shape right now in suburban Maryland, where this year the mirrors will be installed on the telescope backplane. The "heart" of the telescope that holds its instruments successfully completed a nearly 4-month test in a cryogenic thermal vacuum chamber. NASA's Astrophysics program operating missions include the Hubble, Chandra, Spitzer, and Kepler telescopes, the Stratospheric Observatory for Infrared Astronomy (SOFIA) airborne observatory, and other missions that together comprise an unrivaled resource for the study of our universe. With the fiscal year 2016 request, NASA will continue development of the Transiting Exoplanet Survey Satellite (TESS). TESS will extend the pioneering work of the Kepler Space Telescope, which showed us that virtually every star in the sky has a planetary system. TESS launches in 2018 and will discover rocky exoplanets orbiting the nearest and brightest stars in the sky in time for Webb to conduct follow-up observations. NASA will also continue pre-formulation of the Wide-Field Infrared Survey Telescope (WFIRST), the top priority for large-scale missions of the most recent National Academy of Science Decadal Survey in Astronomy and Astrophysics.

Just as the most important planet that we study is the Earth, the most important star that we study is our own. NASA's Heliophysics Program is monitoring the Sun, near-Earth space, and the space environment throughout our solar system, with 29 spacecraft making up 18 missions. These missions work toward one goal: to better understand the Sun and its interactions with the Earth and solar system, including space weather. The fiscal year 2016 request supports development of NASA's Solar Probe Plus (SPP) mission, planned for launch in 2018. SPP will be humanity's first voyage to our home star and will repeatedly pass through the Sun's hot outer atmosphere. NASA will also begin science operations of the Magnetospheric Multiscale (MMS) mission to investigate how magnetic fields around Earth connect and disconnect, explosively releasing tremendous amounts of energy in a process called magnetic reconnection.

NASA's Aeronautics research is making air travel cleaner, safer, and more efficient. Every U.S. aircraft and U.S. air traffic control tower has NASA-developed-technology on board. NASA's fiscal year 2016 budget request includes $571.4 million for Aeronautics to fulfill the Agency's strategic research agenda, addressing the most critical challenges facing the aviation sector. NASA is improving safety and reducing development costs of new aviation technologies, developing integrated air traffic management tools to expand airspace capacity with more fuel-efficient flight planning and diminish delays, and researching next generation aircraft configurations, efficient engines, and low carbon propulsion systems such as hybrid electric technology systems. NASA is enabling the future of unmanned and autonomous flight by providing technical data and analysis to directly inform FAA rulemaking related to Unmanned Aircraft Systems (UAS), funding technology development to address emerging needs for UAS integration, and initiating fundamental research in autonomous systems for aviation. Also in fiscal year 2016, NASA is initiating a series of flight demonstrations focused on environmental performance, and expanding our portfolio of rapid-turnover feasibility demonstrations to infuse new ideas into our research program. NASA's aeronautics research continues to play a vital leadership role to air travel and commerce by enabling game-changing technologies and innovation that allow the U.S. aviation industry to continue to grow and maintain its global leadership role. NASA is truly with you when you fly.

NASA's spacecraft are voyaging beyond the solar system, we are developing a mission to pass right through the Sun's atmosphere, and our spacecraft are exploring the planets in between. The venerable Hubble Space Telescope is looking back into

deep time, Kepler is demonstrating the prevalence of planets around other stars, and the James Webb Space Telescope is on the way. An early version of *Orion* splashed down in the Pacific, Astronaut Mark Kelly is preparing for a 1 year mission in space, and the Space Launch System is on track for a November 2018 launch capability. NASA is embracing its mission as never before. NASA looks forward to working with the subcommittee and the Congress to make this vision a reality.

Mr. Chairman, I would be pleased to respond to your questions and those of other members of the subcommittee.

National Aeronautics and Space Administration

FY 2016 PRESIDENT'S BUDGET REQUEST SUMMARY

	Fiscal Year						
	Actual	Enacted	Request	Notional			
Budget Authority ($ in millions)	2014	2015	2016	2017	2018	2019	2020
NASA Total	17,646.5	18,010.2	18,529.1	18,807.0	19,089.2	19,375.5	19,666.1
Science	5,148.2	5,244.7	5,288.6	5,367.9	5,488.4	5,530.2	5,613.1
Earth Science	1,824.9	--	1,947.3	1,966.7	1,988.0	2,009.3	2,027.4
Planetary Science	1,345.7	--	1,361.2	1,420.2	1,458.1	1,502.4	1,527.8
Astrophysics	678.3	--	709.1	726.5	769.5	1,005.5	1,138.3
James Webb Space Telescope	658.2	645.4	620.0	569.4	534.9	305.0	197.5
Heliophysics	641.0	--	651.0	685.2	697.9	708.1	722.1
Aeronautics	566.0	651.0	571.4	580.0	588.7	597.5	606.4
Space Technology	576.0	596.0	724.8	735.7	746.7	757.9	769.3
Exploration	4,113.2	4,356.7	4,505.9	4,482.2	4,298.7	4,264.7	4,205.4
Exploration Systems Development	3,115.2	3,245.3	2,862.9	2,895.7	2,971.7	3,096.2	3,127.1
Commercial Spaceflight	696.0	805.0	1,243.8	1,184.8	731.9	173.1	1.1
Exploration Research and Development	302.0	306.4	399.2	401.7	595.1	995.4	1,077.2
Space Operations	3,774.0	3,827.8	4,003.7	4,191.2	4,504.9	4,670.8	4,864.3
International Space Station	2,964.1	--	3,105.6	3,273.9	3,641.0	3,826.0	4,038.3
Space and Flight Support	809.9	--	898.1	917.3	863.8	844.8	826.1
Education	116.6	119.0	88.9	90.2	91.6	93.0	94.4
Safety, Security, and Mission Services	2,793.0	2,758.9	2,843.1	2,885.7	2,929.1	2,973.0	3,017.5
Center Management and Operations	2,041.5	--	2,075.2	2,105.0	2,136.6	2,168.6	2,201.0
Agency Management and Operations	751.5	--	767.9	780.7	792.5	804.4	816.5
Construction and Environmental Compliance and Restoration	522.0	419.1	465.3	436.1	442.6	449.3	456.0
Construction of Facilities	455.9	--	374.8	344.3	349.3	354.6	359.9
Environmental Compliance and Restoration	66.1	--	90.5	91.8	93.3	94.7	96.1
Inspector General	37.5	37.0	37.4	38.0	38.5	39.1	39.7
NASA Total	17,646.5	18,010.2	18,529.1	18,807.0	19,089.2	19,375.5	19,666.1

FY 2014 reflects funding amounts specified in the June 2014 Operating Plan per P.L. 113-76.

FY 2015 reflects only funding amounts specified in P.L. 113-235, the Consolidated and Further Continuing Appropriations Act, 2015. For projects in development, NASA's tentatively planned FY 2015 funding level is shown. FY 2015 funding levels are subject to change pending finalization of the FY 2015 operating plan.

The totals for the Exploration and Space Operations accounts in this document supersede the figures in the draft appropriations language.

SPACE LAUNCH SYSTEM TEST LAUNCH

Senator SHELBY. Thank you, General Bolden. The Government Accountability Office (GAO) found that NASA's cost estimates for the SLS and Orion projects do not extend beyond the first flight for the combined system, and the 2016 budget before us bears this out.

GAO states that NASA's budget estimates do not include production costs for the second test flight scheduled for 2021, the development costs for upper stage development for SLS, or production operations and sustainment costs for Orion beyond the first test flight. GAO further states that NASA has continued to request funding that does not meet requirements.

In the case of SLS, I cannot agree more with GAO's assessment of NASA's inadequate funding proposal. My question, General, is this: considering NASA will have to conduct multiple test flights for SLS, which require additional development and production, why does the 2016 budget only account for the first test launch of SLS?

Mr. BOLDEN. Mr. Chairman, the 2016 request supports what we project in the budget horizon as required over the next 5 years to get us to a sustained program, of deep space exploration using SLS and Orion.

You mentioned or I think you mentioned charts and graphs, and we are not about charts and graphs. We are talking about hardware. The barrel for the engine section of SLS was welded together at Michoud Assembly Facility, and other hydrogen and oxygen tanks are being done. We launched Orion in December. We hot fire tested the RS–25 engines down in Mississippi at Stennis, as Senator Cochran has said. We fired the next milestone test on the five segment solid rocket booster.

I would say our budget as we have run it out has us on the path that we think is necessary to get humans back to deep space and then onto Mars.

UPPER STAGE ENGINE

Senator SHELBY. In the detailed portion of the 2016 budget for SLS, NASA only proposes development funds, as I understand it, through 2018 for an upper stage engine with no funding beyond that date. There is a known need to develop a human-rated upper stage engine for the second test flight. The upper stage, it is my understanding, is on the critical path to the second test flight of SLS in 2021, yet it is my understanding there is no mention beyond preliminary planning for an upper stage required for a mission that is expected to launch say 6 years hence.

The question is this: why are no funds identified for the anticipated development for an upper stage when that development must be worked on in earnest during 2016?

Mr. BOLDEN. Mr. Chairman, in prioritizing the work that we need to do over this next budget horizon, we recognize that an exploration upper stage is something that will be necessary.

You are absolutely correct in that if we had unlimited funds, we would begin development of the exploration upper stage today. We are given a budget that is no longer flat, I will say, people used to say flat was the new "up," but the new up is starting to look like you are going to let us work inflation in, so it is no longer flat. I think the budget that we submitted presents a balanced portfolio of missions for the agency that show us on a time line to get to Mars in the 2030s.

NASA'S RELATIONSHIP WITH RUSSIA

Senator SHELBY. I am on my last area that I will get into momentarily, the International Space Station. When we discussed the budget here last year, I asked about our relationship with the Russians in regard to the space station and what would happen if they were to end the partnership.

At that time, you said, and I quote "Should we or the Russians choose to pull out, the International Space Station as we know it no longer exists." Those were your words, General.

The Russians have indicated that their intent is to separate their portion of the station in 2024. We know that is down the road. That essentially gives the facility an expiration date.

My question is this: has Russia formally notified you that this is their intent, to separate their portion of the space station in 2024?

Mr. BOLDEN. Quite the contrary, Mr. Chairman. In my meetings with my counterpart, Mr. Komarov, in Baikonur on the periphery of Scott Kelly's launch about 3 weeks ago, he made what I would not call a startling announcement, but he made a very encouraging announcement that contrary to what we heard, the rhetoric from the Russians, that they were committed to the International Space Station through 2024, and they did not intend to pull pieces off and start their own space station.

Senator SHELBY. Did he indicate that would be a hard commitment or a soft one?

Mr. BOLDEN. Mr. Chairman, it is no harder a commitment than ours. I think if everyone will remember, when the President allowed me to propose that we go to 2024, we said at least 2024.

The only hard date we know about the space station today is 2028 because that is as far as the engineering analyses of all the partners say that 2028 is about as long as we can keep the space station flying, but we do not want to keep the current space station flying forever.

We want to get NASA and other agencies out of low-Earth orbit and onto exploration. The vision that we see——

Senator SHELBY. The space station was never constructed to be there in perpetuity, was it?

Mr. BOLDEN. Mr. Chairman, that is absolutely correct. We have never built anything intended to be there in perpetuity. I am smiling at Senator Mikulski. We did not build the Hubble Space Telescope to be there as long as it has been, but thanks to her shepherding the program. we are getting ready to celebrate 25 incredible years.

JAMES WEBB SPACE TELESCOPE (JWST)

Senator SHELBY. We are also moving to another stage, past the Hubble, because of what we found in the use of having the Hubble.

Mr. BOLDEN. Again, I think you are helping me to emphasize the critical importance of your ranking member.

Senator SHELBY. She did a great job.

Mr. BOLDEN. She chewed me out and I appreciated it when I became the NASA Administrator. It was not really chewing me out.

Senator SHELBY. Appreciated years later.

Mr. BOLDEN. She told me she wanted me to straighten out the James Webb Space Telescope, and we relooked at the program. I came in, and I went to the President. I came to Senator Mikulski and said we are not going to make it, and we need to redo this program, and we are now on schedule on cost to launch the James Webb Space Telescope in 2018, and that is primarily because of the work and the encouragement of Senator Mikulski.

INTERNATIONAL PARTNERS

Senator SHELBY. Thank you. What is the level of commitment from some of our other international partners to operate the space station beyond 2020?

Mr. BOLDEN. Now that we have the Russians on record saying they are with us through at least 2024, other partners are beginning to feel better. That is what they were waiting for, to see the two primary partners get on board with each other. I expect that over the coming year or two, just as it was to get everybody to go to 2020, I think in the next couple of years, you will see that all the partners will agree that 2024 is the horizon for the International Space Station now.

Senator SHELBY. Is it even possible to operate as you know it the space station without the Russian segments should we choose to operate the station on our own?

Mr. BOLDEN. Yes, sir.

Senator SHELBY. Okay. Senator Mikulski.

GODDARD SPACE FLIGHT CENTER BUDGET

Senator MIKULSKI. Thank you, Mr. Chairman. Administrator Bolden, first of all, thank you for your kind words about me and what I have done and the Hubble Telescope.

I think also it is a tribute to really bipartisanship, and I know really very early in my Senate career, I became the chairman of the Subcommittee on VA/HUD, of which NASA was part of. My colleague at the time and vice chairman was Senator Jake Garn. I cannot say enough about the appreciation I had for Senators Garn and John Glenn. Bill Nelson was not here. It showed how the astronaut senators and I with Goddard Space Flight Center really worked on the whole idea of a balanced space program.

What we did initially to fix Hubble was because we worked on a bipartisan basis, and the efforts of Senator Garn and with Senator Garn, we had the credibility, although I had the gavel, they had the credibility, and then NASA had the know-how.

That is really kind of the spirit of the way it is, and I wanted to just acknowledge the role that others have played. We have kept that going with Senator Shelby.

Now, as we also look, and you commented on the New Horizons, yes, the press is reporting as is JPL, that we are really now pretty close to that Pluto thing, and by all accounts and reports, technological reports, we are absolutely on target for its arrival at Pluto on target.

I want to be sure that our best days are not behind us, and we are committed to a balanced space program. The human space flight, a reliable transportation system for our astronauts to go

where they have not, and also to do the kind of servicing that will be necessary, along with space science.

Of course, you know I am going to ask you about Goddard. When I saw the President's budget, in which Goddard was funded at $324 million below fiscal year 2015, when they have 32 on orbit missions, when they make sure that Hubble is targeted and maximizing its use in its current age and stage, and then managing the satellite construction for two of the major National Oceanic and Atmospheric Administration (NOAA) projects, along with the James Webb, they have a full plate, and yet you cut them $300 million.

Can you tell me, number one, why, and what are the consequences of that? I am very apprehensive that they are doing all this great work and they have been cut roughly 10 percent.

Mr. BOLDEN. Senator, our projection for this year, for this fiscal year, at the end of the year, because we do not formalize some projects until we are well into the fiscal year, but as a result of that, our estimate is that the Goddard Space Flight Center will end up with about $2.6 billion, their portion of the NASA budget.

The projection for fiscal year 2016 is given the work they are about to do, that they are embarking on, an example would be if you told me today in this hearing to go ahead and authorize the beginning on the tiers for continuous land imaging, Goddard would start tomorrow morning. That is not in their portfolio right now.

We anticipate that Goddard will again in fiscal year 2016, when all is said and done, end up managing $2.6 billion of projects. It is actually a preliminary look at what we have based on the programs we have directed——

Senator MIKULSKI. Are you saying you are going to give them more work during the year and then as the year goes on, you are giving them more money?

Mr. BOLDEN. They get more work as the year goes by. Subsequently, they get more money. They get responsibility for more money.

Senator MIKULSKI. In other words, if they get more responsibility, does the resource follow the responsibility?

Mr. BOLDEN. Yes, ma'am; it does. Yes, ma'am. I was going to get cute, but I will not.

Senator MIKULSKI. No, do not.

Mr. BOLDEN. I am not.

Senator MIKULSKI. In terms of time, we have a lot of ground to cover, but space to cover.

Mr. BOLDEN. Yes, ma'am.

SATELLITE SERVICING

Senator MIKULSKI. Which then takes us to an area called "satellite servicing." To my colleagues who are also interested in national security, I know we are worried about our satellites, number one, not for the purposes of this hearing, it would be inappropriate, but we worry about the Chinese and what they are doing in terms of any satellite technology, so that is one dimension not for this hearing, and of course, across committees.

Also, we have satellites that our Government has, particularly science satellites, and our private and even non-profit sector have. Goddard has been developing a technology and workforce to sat-

ellite servicing, so they do not end up space junk. That was funded at $130 million in fiscal year 2015, and they have been cut by 50 percent to $65 million.

Could you tell me the rationale for that, or do you not want to do satellite servicing?

Mr. BOLDEN. Senator, we sincerely—I think we are all on the same sheet of music. No one is more dedicated, for example, to SLS and exploration than I. I share your enthusiasm there.

I share the enthusiasm for making sure that this Nation is second to none when it comes to being able to maintain and secure our satellites. With that in mind, I would request that you allow me to come and have a conversation with you, and I can bring staff members or some of your staff, so we can talk about satellite servicing and the challenges that we face there.

It is my belief that with industry, companies like MacDonald, Dettwiler and Associates Ltd. (MDA), like Alliant Techsystems Inc. (ATK), who already have hardware in hand that does some of the functions we know we are going to need, and working with the Defense Advanced Research Projects Agency (DARPA) collaboratively——

Senator MIKULSKI. You come and talk to me.

Mr. BOLDEN. Yes, ma'am. I would really appreciate that. To be quite honest, I want to be in sync with the subcommittee, and I will admit, I am the one person in this room who is probably not in sync with you all, because for 4 years I have pleaded with people to tell me who the customer is going to be, and the potential customers keep telling me they would much rather have me be their customer.

I want to make sure that we are not at odds with American industry. I need to talk to you, if that would be good. I think we can get in sync.

Senator MIKULSKI. My time is up. I have another question about Wallops. I say to my chairman of this subcommittee and the chairman of the full committee, satellites are on my mind, and they are really a big budget, not only in the NASA committee.

Whether it is NOAA or the Department of Defense (DOD), I am worried that we do not know how to build them and maintain them and service them. We often run into satellite boondoggles.

Mr. BOLDEN. Yes, ma'am.

Senator MIKULSKI. That is one thing. The second thing is then when they are up there, what do we do with them when they are no longer functional and can they be rescued. And third, the national security protection of key satellites from those nation states or others that would have a predatory intent.

I have satellites on my mind. I would like it in the budget.

Mr. BOLDEN. Yes, ma'am.

Senator MIKULSKI. Mr. Chairman, I have used up a lot of time.

Senator SHELBY. It is okay. Senator Cochran.

SPACE EXPLORATION PROGRAM

Senator COCHRAN. Mr. Chairman, thank you. Welcome again to our hearing. We appreciate the cooperation that we have received over time in helping to share our views with the Administration officials who have come before our subcommittee requesting funding

for the programs and activities. It is a pleasure to work with you on all these challenges.

As NASA continues to work on development of the space launch system, are you satisfied that the Administration and the Congress are constructively working together to help reach our goals of our space exploration program?

Mr. BOLDEN. Senator Cochran, because I am a part of the Administration, I will say I am not satisfied that I have sufficiently worked with this subcommittee, and I pledge I will do better.

It is like I mentioned to Senator Mikulski, I have pledged that I will be here much more than I have been, communicating with members of the subcommittee. I am pleading for the Senate to confirm Dr. Dava Newman as my deputy because I need the help. I think that will free me up to be able to spend more time with members of the subcommittee.

As I said in my opening statement, together, the Administration and this Congress have done an incredible job over the last 5 years. I want the members of the subcommittee to take credit for what you have done, to be quite honest. It is like trying to get the Administration to take credit. It seems like we are in the middle, and we are really happy about what has been done. We are not fooling ourselves that we have done everything. We think we are the best in the world at what we do, but that is not good enough.

I know that is a jumbled answer to your question, but I do not want you to think I am satisfied. I am not. I will do better.

ENGINE TESTING INFRASTRUCTURE

Senator COCHRAN. Specifically—thank you for that. The budget request provides information for us that is very helpful. We want to be sure we are doing the right thing, too. I want to know what your reaction is to whether we are providing adequate resources for the engine testing infrastructure to support the development of the Space Launch System, that would be a credit to our country.

Mr. BOLDEN. Senator, this subcommittee and the Congress have provided everything that we have asked for. I do not have any complaints about that. I would point out when you talked specifically about Stennis, the fact that we have had testing done by SpaceX, Aerojet Rocketdyne, DOD is now talking to us about doing testing at Stennis, Blue Origin is now doing testing at Stennis.

That in itself says we are being successful at capitalizing on the ability of American industry to augment what NASA does, so that we can utilize the funds that this subcommittee gives us to get on with the business of going into deep space.

Getting to Mars is our main objective right now. In order to do that, we need other things. We need the International Space Station to be viable and sustainable. We are comfortable we are okay there. We keep taking little bits of money away from the station to do other things in space operations that make me nervous sometimes.

We have to have the money we requested for commercial crew because that will finish off NASA getting out of low-Earth orbit access, and we will have successfully turned that over to American industry, and that puts us one step farther to being Earth independent. Not there, but one step farther.

We then need to move out into what we call the "proving ground," going back to space, to orbit around the Moon for about a 10-year period of time to develop the technologies that we need to move onto Mars.

We have a lot of work to do, but this subcommittee, I cannot complain. I thank you for the funding you have given us.

Senator COCHRAN. We appreciate that. We want to continue to do what is necessary to ensure a robust engine testing infrastructure as Stennis, and if we think they have earned the right to continue to contribute up to date military intelligence capabilities that would be a credit to our country, and we are looking to develop and test even new rocket engines in the future.

What is your reaction to that? Is there a future?

Mr. BOLDEN. Senator Mikulski said she wanted to make sure that our best days were not behind us. Our best days are in front of us, I can promise you that. I am not smiling and sounding optimistic because I am trying to look good or something. I am excited about the future.

When I travel around to college campuses or high schools around the country or around the world, young people are really excited about what we are doing. They see this is their future. It is not ours. We are passing through. There is no doubt in my mind, Senator, all of you, that our best days are ahead of us.

Senator COCHRAN. It looks like we have a new city there, Stennis.

Mr. BOLDEN. It is the Federal city.

Senator COCHRAN. As well as the testing facility.

Mr. BOLDEN. Yes, sir.

Senator COCHRAN. We appreciate the fact that it has grown to become a Federal city due to the multiple Federal tenants that are there and seemed to be happy with what is going on, access to people, a beautiful view along the Mississippi Gulf Coast to boot.

Mr. BOLDEN. Yes, sir.

Senator COCHRAN. Thank you very much.

Mr. BOLDEN. Yes, sir.

Senator SHELBY. Senator Capito.

INDEPENDENT VERIFICATION AND VALIDATION (IV&V) FACILITY

Senator CAPITO. Thank you, Mr. Chairman. Thank you to the Administrator. General Bolden, we are really proud of the work that NASA does in West Virginia with the IV&V Program in Fairmont. The employees there are making a great contribution to our State, and I think to your agency, and to our country. It seems to me the service they provide is critical to complete your agency's objectives, both for the manned and unmanned missions. Can you share some thoughts about IV&V and what you think the future is for that part of NASA?

Mr. BOLDEN. The facility in West Virginia, but IV&V in general, in the broadest sense, because a lot of its work is not just done there, but done other places around the country. The work that is done for NASA is incredible. Again, the measure of your success or the measure of respect people show for you is to have outside organizations come to you and ask for assistance. We finished off the work we were doing for Homeland Security, for folks in New York

City, so there have been other outside organizations that have asked for help that IV&V has been able to provide for them. They provide a very necessary capability to this agency.

Senator CAPITO. Thank you. They also in their program, as you probably know, are inspiring students and educators in West Virginia, have over 100 educator workshops that they participated in, and have had a good impact.

One of the areas that I am interested in and because I am the co-chair of the recently formed Diversifying Technology Caucus, you know, we all have a caucus in a different name, I am a science major myself, and there is a great concern, and I share this concern, and you spoke about young people, a lot of the STEM education is not as diversified, both by females and minorities, what does NASA look like? You have a lot of science majors over there. I know you do not have this at the tip of your fingers. I am just curious.

Mr. BOLDEN. Unfortunately, I have it at the tip of my finger because I am not happy.

Senator CAPITO. Okay; good.

Mr. BOLDEN. We at NASA feel we should be the model for every other agency in the Federal Government, and as I said before, we have been the best place to work in Government for the past 3 years based on the Employee Viewpoint Survey, but we are worried. I am worried about the inability to maintain, to retain women and minorities in senior levels of leadership in the STEM fields.

The Deputy Associate Administrator, my chief scientist, Center Director Ellen Ochoa, Astronaut Cady Coleman, I have people all over trying to figure out what we are not doing right. We are probably better than most other Federal agencies, but that is not satisfactory.

Senator CAPITO. If you have the figures, since you mentioned it——

Mr. BOLDEN. Let me get it to you, so I do not guess.

[The information follows:]

Diversity of NASA Scientists and Engineers

As of April 2015

Explanation of terms and acronyms:

AAPI = Asian American and Pacific Islander. The percentage of Native Hawaiian and Other Pacific Islanders in the science and engineering civilian labor force is so small that meaningful comparisons with NASA's workforce could not be made if they were reported in a separate category (i.e., everything rounds to zero); they are therefore combined with Asian Americans for the purpose of comparing NASA with the RCLF.

AIAN = American Indian/Alaska Native

AST = Aerospace Technologist. AST is a special designation approved by OPM for the types of scientists and engineers hired by NASA. It is NASA's main mission critical occupational category.

RCLF = Relevant Civilian Labor Force (the portion of the 2010 civilian labor force that most closely matches the science and engineering workforces at NASA. There is one RCLF calculated for NASA Engineers and one calculated for Physical Scientists because the demographic diversity for these occupational categories is quite different. The RCLF is the benchmark used to compare NASA's diversity with that of the available technical labor pool. Note: for senior level positions, a different benchmark is used, namely the total NASA AST workforce. The logic is that, for

example, if 8 percent of NASA's AST workforce is African American, then approximately 8 percent of NASA's senior AST positions should be African Americans. This is an internal benchmark, as opposed to the RCLF, which is an external benchmark.

RNO = Race/National Origin

SES = Senior Executive Service

SL = Senior Level

ST = Senior Technologist

Diversity Statistics

(as of April 2015)

NASA Engineers by Race/National Origin (RNO) Compared to Relevant Civilian Labor Force (RCLF)*

	Asian American and Pacific Islander	Black	Hispanic	Multiracial	Amer. Indian	White	Total
#	827	640	671	12	92	7512	9754
%	8.5%	6.6%	6.9%	0.1%	0.9%	77.0%	100%
RCLF%*	11.4%	4.7%	5.2%	1.3%	0.3%	77.2%	100%

NASA Physical Scientists by Race/National Origin Compared to Relevant Civilian Labor Force (RCLF)**

	AAPI	Black	Hispanic	Multiracial	Amer. Indian	White	Total
#	82	22	36	0	1	761	902
%	9.1%	2.4%	4.0%	0.0%	0.1%	84.4%	100%
RCLF%**	13.0%	3.3%	4.3%	1.8%	0.3%	77.3%	100%

NASA Engineers by Gender Compared to Relevant Civilian Labor Force (RCLF)*

	Male	Female	Total
#	7562	2192	9754
%	77.5%	22.5%	100%
RCLF%*	88.8%	11.2%	100%

NASA Physical Scientists by Gender Compared to Relevant Civilian Labor Force (RCLF)**

	Male	Female	Total
#	685	217	902
%	75.9%	24.1%	100%
RCLF%**	64.1%	35.9%	100%

*RCLF for Engineers includes General, Electrical, Computer, Electronic, and Aerospace Engineers.

**RCLF for Physical Scientists includes Physical Scientists, Physicists, and Space Scientists.

Diversity Statistics

(as of April 2015)

NASA Senior Aerospace Technologists (AST) Positions by Race/National Origin

#	AAPI	Black	Hispanic	Multiracial	Amer. Indian	White	Total
SES	13	13	9	0	0	212	**247**
SL	2	1	4	0	1	50	**58**
ST	9	1	3	0	1	68	**82**
Total AST	**931**	**672**	**715**	**12**	**95**	**8,231**	**8,425**

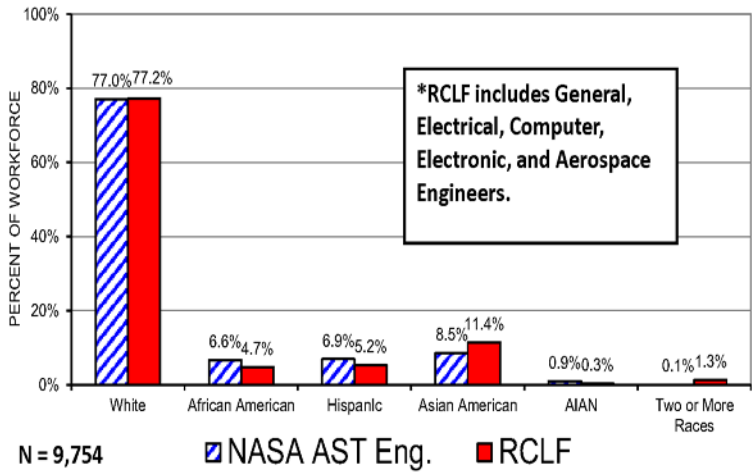
%	AAPI	Black	Hispanic	Multiracial	Amer. Indian	White	Total
SES	5.3%	5.3%	3.6%	0.0%	0.0%	85.8%	100%
SL	3.4%	1.7%	6.9%	0.0%	1.7%	86.2%	100%
ST	11.0%	1.2%	3.7%	0.0%	1.2%	82.9%	100%
Total AST	**11.1%**	**8.0%**	**8.5%**	**0.1%**	**1.1%**	**97.7%**	**100%**

NASA Senior Aerospace Technologists (AST) Positions by Gender

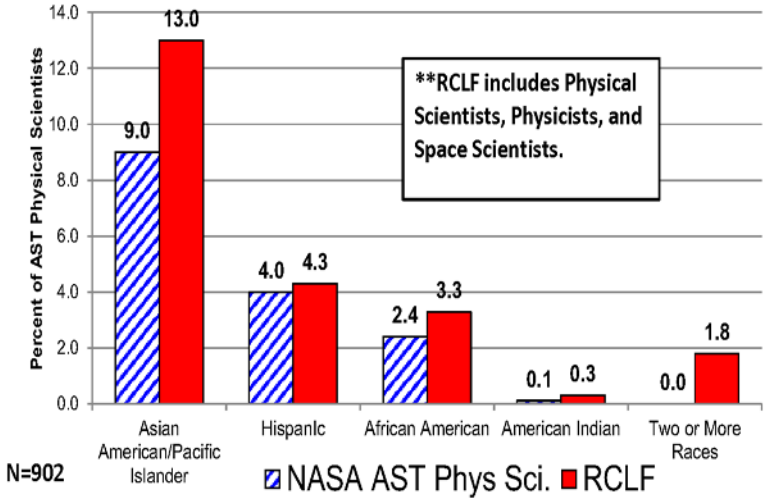
#	Males	Females	Total
SES	200	47	**247**
SL	46	12	**58**
ST	73	9	**82**
Total AST	**8,390**	**2,460**	**10,850**

%	Males	Females	Total
SES	81.0%	19.0%	**100%**
SL	79.3%	20.7%	**100%**
ST	89.0%	11.0%	**100%**
Total AST	**77.3%**	**22.7%**	**100%**

FY 15 Aerospace Technologist (AST) Engineers by RNO vs. the Relevant Civilian Labor Force (RCLF)*



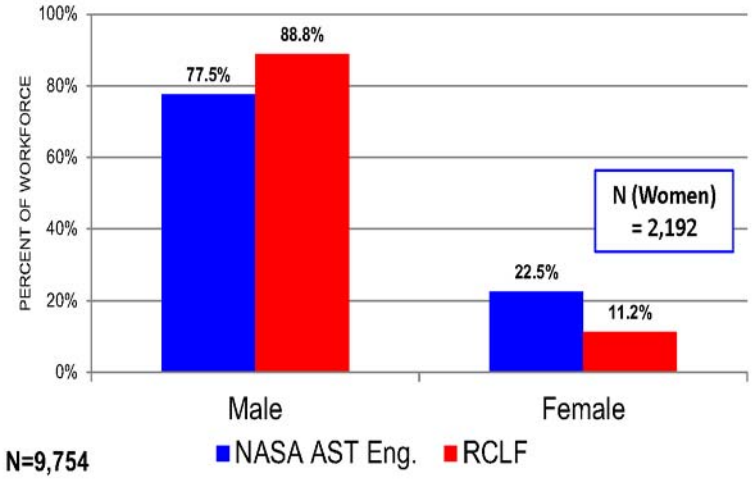
NASA AST Physical Scientists by RNO vs. the RCLF**



Aerospace Technologist is a special occupational category approved for NASA by OPM that includes scientists and engineers.

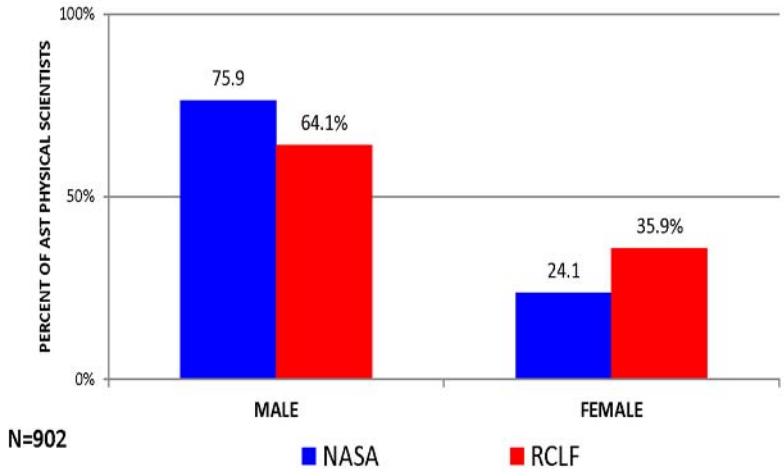
NASA data as of April 2015.

NASA FY 15 AST Engineers by Gender vs. the RCLF*



*RCLF includes General, Electrical, Computer, Electronic, and Aerospace Engineers

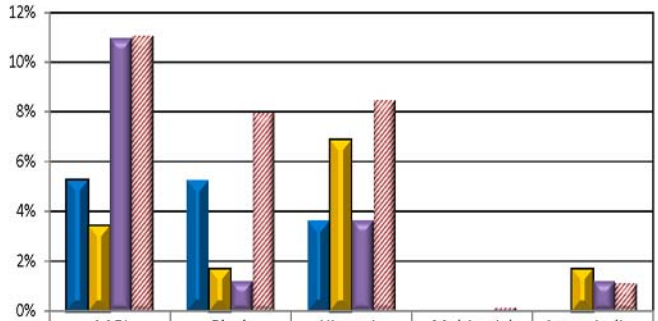
NASA FY 15 AST Physical Scientists by Gender vs. the RCLF**



**RCLF includes Physical Scientists, Physicists, and Space Scientists.

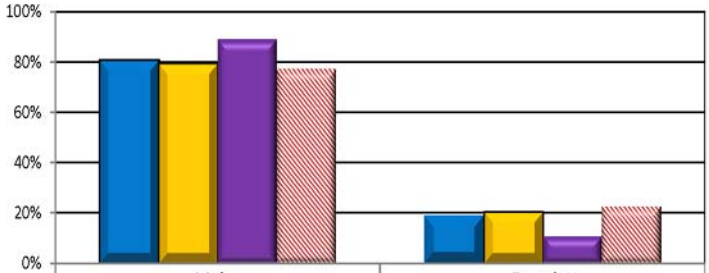
NASA data as of April 2015.

NASA Senior Aerospace Technologists (AST)* Positions by RNO



	AAPI	Black	Hispanic	Multiracial	Amer. Indian
SES	5.3%	5.3%	3.6%	0.0%	0.0%
SL	3.4%	1.7%	6.9%	0.0%	1.7%
ST	11.0%	1.2%	3.7%	0.0%	1.2%
Total AST	11.1%	8.0%	8.5%	0.1%	1.1%

NASA Senior AST* Positions by Gender



	Males	Females
SES	81.0%	19.0%
SL	79.3%	20.7%
ST	89.0%	11.0%
Total AST	77.3%	22.7%

*Aerospace Technologist is a special occupational category approved for NASA by OPM that includes scientists and engineers.

NASA data as of April 2015.

DIVERSIFYING TECHNOLOGY

Mr. BOLDEN. I can tell you the mix of women in the STEM field marries what it is in society, and that is why I say that is unacceptable.

Senator CAPITO. It is unacceptable.

Mr. BOLDEN. We have 51 percent women in the population and we are in the low teens of percentage of women in STEM. That does not say 51 percent of the STEM workforce ought to be women, but it ought to be better than 13 or whatever it is.

Senator CAPITO. I would suggest, and I think the IV&V Program has done this by doing educator outreach—for some reason, it is probably the same thing Senator Mikulski and I have, we get the question all the time, why are there not more women in the Senate, why are there not more women in public service.

It is one of these things that the numbers have to feed on one another and one another, and it is a slow progress. I think by starting early, K through elementary, K through three, you really do have to start there, because when you see what is coming at our young people in terms of how they can get a lot of knowledge from their phones and everything else, their minds are forming, I think, earlier on what direction they want to go.

I would love to partner with NASA in this endeavor on diversifying technology. I think it is a natural spot. Since we have a good presence in Fairmont, that might be a good jumping off place for some kind of pilot programs to be able to inspire our young women and more minorities to join this exciting field that can be very, very lucrative at the same time and very stable.

Mr. BOLDEN. Yes, ma'am.

Senator CAPITO. I thank you for your service. Thank you.

Senator SHELBY. Senator Mikulski.

JAMES WEBB SPACE TELESCOPE

Senator MIKULSKI. Mr. Chairman, just one question and one comment. The James Webb Space Telescope, you are exactly right, Administrator, that we were deeply troubled about the Webb, that there were cost overruns, could we meet both the technological targets as well as the fiscal targets.

Could you tell the subcommittee the status of the James Webb and have you also addressed the GAO questions about schedule reserves and the cryocooler to make sure it—as you know, there is the GAO report, some press reports, and flashing yellow lights.

Could you tell us are you on target, and have you addressed these concerns raised by these outside oversights?

Mr. BOLDEN. Senator, I would venture to say we are on target, and we are on target for one primary reason, and that is after I promised you, the responsibility for the James Webb Space Telescope came into the Office of the Administrator. First, we had Chris Scolese as the Associate Administrator, and now Robert Lightfoot, and in their respective roles, they were representing me in James Webb almost every day.

Chris Scolese is now at the Goddard Space Flight Center that has primary responsibility for it. Chris is in it every single day. I now have a monthly tag up with Wes Bush, the CEO of Northrop

Grumman, because we both agree on the critical importance of the James Webb Space Telescope, not just to this Nation but to the world, but also it is critical for both him and me to demonstrate we know what the heck we are doing.

If we cannot deliver it on time and on budget or under budget, then it says there is something wrong. We are concerned about the technological challenge of the cryocooler, but we think that is getting back on track.

We still have about a 10 month cushion in the schedule, but I caution people——

Senator MIKULSKI. What does a cryocooler do?

Mr. BOLDEN. It is actually what enables the telescope to go down to almost absolute zero. It takes it to really cold. It is going to operate a million miles away from Earth, and it is an infrared imaging telescope. The reason why it is so phenomenal and that it is going to dwarf the capability of Hubble is because although it only operates in the infrared range, keeping it as cold as we do, it is going to be able to look into the atmosphere of distant planets around the billions of distant stars, some that are not even in our own Galaxy. That is what is going to make it really, really good.

It would still be phenomenal without it, but that is not what we——

Senator MIKULSKI. Presuming this actually happens, do you believe the completion and successful launch and operation of the James Webb will secure America's preeminence in astronomy for the next 30 or 40 years?

Mr. BOLDEN. Senator, there is no question. Now that we are on the Hubble anniversary, I tell people about our crew before we launched on the deploy mission, we knew, we absolutely knew that Hubble was going to do something great. We had no clue. If anybody had asked us if it was going to have taken its place in the pantheon of great scientific instruments, we did not know that. We are very confident that James Webb will further revolutionize the fields of planetary science, astrophysics. We will know more about this universe as a result of James Webb after 2018 than anybody ever imagined.

Senator MIKULSKI. I am glad I went into orbit.

Mr. BOLDEN. You and me both.

Senator MIKULSKI. Thank you very much.

Senator SHELBY. Thank you, Senator Mikulski. I think Senator Mikulski knew it. She knew what the potential was or she would not have pushed so long and so hard and successfully, and we should all be grateful. She must be akin to her cousin, Copernicus, in looking ahead in some way.

COMMERCIAL CREW MILESTONE SCHEDULE DELAYS

General, I have a couple more questions. NASA entered into, in my understanding, two milestone based contracts worth up to $6.8 billion in September of this last year to finish the development and testing of crewed vehicles.

Aside from five milestones that NASA required, the contractors were able to add milestones and time lines of their own, with payment only given when a milestone is achieved. NASA has already publicly stated that a significant number of the milestones are

being altered. In other words, they have not met them, some with delays of 6 months or more.

A lot of us are concerned by the potentially large number of changes and delays so soon in the program. My question is this: the subcommittee has seen the first quarter report on the Commercial Crew Program. Who asked for the changes to the milestones, and how will altering the milestone schedules delay the expected date for taking our astronauts to the space station?

Mr. BOLDEN. Mr. Chairman, I will get you specific answers for the record.

[The information follows:]

Commercial Crew Program Milestone Schedule Delays

As reported to the Committee, both Commercial Crew Transportation Capability (CCtCap) companies updated their schedules to reflect additional design maturation and to allow sufficient time to complete system development and certification. NASA anticipated a number of these types of changes during this timeframe because the original contract milestones were established when the companies submitted their CCtCap proposals, over a year ago. Such changes are not indicative of poor company performance, but are viewed by NASA to be the normal evolution of refining subcontract schedules and finalizing development plans after contract award. Accordingly, the companies requested the milestone date changes, and NASA has reviewed and approved them. We will continue to work with the companies to adhere to the new overall schedule. We will identify any possible changes quickly making minor milestones adjustments only as required. This will protect overall schedule while maintaining a safe configuration for our crews.

As reported in the first Quarterly Report, the Certification Review milestone date (i.e., the expected date for NASA certification of the companies systems to transport NASA personnel to the ISS) for Boeing was changed from August 2017 to October 2017; the SpaceX Certification Review milestone date was changed from April 2017 to October 2017. The Commercial Crew Program is a large, complex development effort whereby the partners are expected to conform to a set of requirements in a fixed price contract.

Mr. BOLDEN. I will tell you how it works. Frequently, we ask for the slip in the milestone because we do not have the money to pay it. That is why it is critically important. We now have two contracts, so we are contractually obligated to Boeing and SpaceX to pay them up to $6.8 billion. We have guaranteed them two missions each minimum, and up to six.

Senator SHELBY. You want to meet those obligations.

Mr. BOLDEN. I want to meet those obligations, and the only way for me to meet them——

Senator SHELBY. Will they meet their obligations?

Mr. BOLDEN. They will meet their obligations. Mr. Chairman, I do not have any doubt. I have the utmost confidence in both Boeing and SpaceX that they will meet their obligations if we meet ours to pay the bill.

Our obligation is to provide oversight and insight, and make sure that we know what they have to do to provide us a safe vehicle. I have to have the money to pay them.

Senator SHELBY. Will you get this information for the subcommittee to evaluate?

Mr. BOLDEN. I will.

RUSSIAN SEAT SOLICITATION

Senator SHELBY. My last question has to do with the Russian seat solicitation. The Commercial Crew Program is intending to re-

place our reliance on the Russians for transport to and from the space station as early as 2017.

NASA has put a solicitation out, is my understanding, to purchase six more seats on Russian vehicles at a time when seats on the commercial crew vehicles should be available. I said "should."

Mr. BOLDEN. Yes, sir.

Senator SHELBY. It appears NASA is already purchasing its own insurance policy in case the crew providers are not ready. I do not know that. The current cost of a seat from the Russians, I understand, is about $76 million, and it will likely be even more for those additional seats.

The question I have for you, General, and for the record, too, what has NASA seen so far in the continued development of our own crewed vehicles to justify paying Russia hundreds of millions of dollars for seats that should already be covered by the U.S. providers if the U.S. companies meet their milestones?

I do not know the situation. Could you explain?

Mr. BOLDEN. Yes. The primary we have seen is the lack of commitment on the part of the Congress to fund the program at the amount requested by the President, and the President's request was to meet the contractual price that we negotiated with Boeing and SpaceX. That is not an estimate.

Senator SHELBY. The bottom line is you need more money; is that right?

Mr. BOLDEN. We always need what we ask for in the budget. I would be more than happy to take more. We really need $1.2 billion in 2016 because this is a critical time for us to make the 2017 launch date. We need $1.2 billion so they can complete the milestones that we have both agreed to.

Senator SHELBY. If they can complete them, we would not need to spend that money with Russia; right?

Mr. BOLDEN. When we have an American capability, then we do not spend any more money with the Russians. We do not pay them for seats any more. We definitely will not pay them for seats any more once we have an American capability.

COMMERCIAL CREW TRANSPORTATION CAPABILITY (CCTCAP) CONTRACTS

Senator SHELBY. Let me share this with you. It is my understanding that in the Commercial Crew Program, NASA initially decided to spread, General, the limited funding resources across five companies. It took NASA 5 years and $1.9 billion to finally pick two companies.

Mr. BOLDEN. Yes, sir.

Senator SHELBY. That will share $6.8 billion to develop a commercial crew capability. However, NASA continues to blame Congress for lack of resources, when it was NASA that chose to spend nearly $2 billion on a competition.

While I agree as we all do that competition is important, prudent decisions in constrained fiscal environments such as this, are very important.

My question here is this: in your view, has the decision to fund multiple companies during the initial competition delayed the de-

livery of a viable commercial crew capability? You spent a good deal of money doing that.

Mr. BOLDEN. Senator, it is my belief that spending that money did not delay it at all. In fact, it gave us assurance that the two systems that we finally selected would in fact be the absolute best. We are still investing money in some of the companies that were in competition initially because they are still getting milestone payments under the original Space Act Agreements that we had, because they are bringing us benefits that we do not have to develop ourselves or the two contractors do not.

If you look at Blue Origin, for example, as a result of the work that they have been doing with engines, we may have a new launch system by an American company with American engines. That remains to be seen.

Some of the development that they did in the area of engines was as a result of collaborating with NASA, some of the test of components, as Senator Cochran mentioned, was done at Stennis. They do not test the full engine but they are where they are today, perhaps 2 years away from being able to develop a heavy lift engine of American origin, and that is because of the work that we supplemented.

Senator SHELBY. We appreciate that. We will continue to look at that. It is incumbent upon this subcommittee, as Senator Mikulski has said many times, that we are accountable to the American people and to our colleagues, and you are accountable to us. We are going to have to ask the right and tough questions.

Mr. BOLDEN. Yes, sir.

ADDITIONAL COMMITTEE QUESTIONS

Senator SHELBY. Thank you very much, General. This will conclude our hearing. We may have some follow-up questions for the record.

Mr. BOLDEN. Yes, sir. Mr. Chairman, I will get you the information.

[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. CHARLES F. BOLDEN, JR.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER A. COONS

SPACEPORT LAUNCH PAD 0

Question. What is the status of funding to complete repairs to launch Pad 0-A (Spaceport) in order to return to flight the Antares Rocket from the Wallops Flight Facility?

Answer. NASA is strongly committed to maintaining a small/medium class launch vehicle capability at the NASA Wallops Flight Facility (WFF) in support of cargo resupply for the International Space Station (ISS), and is pleased at the progress of repair activities at pad 0A. NASA intends to ensure the needs of the ISS are met through the Commercial Resupply Services (CRS) contract between NASA and Orbital Sciences Corporation (now Orbital ATK). In fiscal year 2015, consistent with NASA's communications with the House and Senate Committees on Appropriations, NASA has provided a total of $5.0 million for commercial launch site services at WFF. Orbital ATK has made clear they intend to recover the capability to launch resupply missions again from Wallops, and has allocated funding in this regard. The Mid-Atlantic Regional Spaceport (MARS) has allocated funding from their annual maintenance budget for site cleanup and environmental remediation activities, site

and engineering damage assessments, disassembly of damaged pad infrastructure, and repair of pad systems. NASA is continuing to work with all the parties—MARS, Orbital ATK, and the Commonwealth of Virginia—to ensure a small/medium class launch capability is restored to Wallops under the terms of the existing contracts and agreements. In sum, MARS continues to make good progress towards Pad 0A repair and return to service. All required demolition work has been completed, and all concrete structures have been repaired or replaced. In addition, all damaged fueling and pressure system piping have been identified, and fabrication and installation of new items is proceeding well. MARS, Orbital ATK, and NASA WFF are currently (end of July) in the replacement, cleaning and testing stage of the pad recovery. Environment monitoring is continuing to ensure there is no lasting impact to the launch pad area. Funding allocated to date supports the schedule for Pad 0A turnover to Orbital-ATK as planned.

NATIONAL SPACE ACCESS NEEDS

Question. What is NASA's plan to upgrade the range capabilities at Wallops Flight Facility, NASA's only launch range and one of the few active commercial spaceports to meet emerging national space access needs?

Answer. NASA missions use a number of launch sites, including the Agency's facilities at Kennedy Space Center in Florida and Wallops Flight Facility in Virginia.

—The Wallops Range Control Center expansion and upgrades are continuing, and the remote range support systems in Bermuda are being upgraded and hardened. Bermuda support is required for Orbital-ATK Antares Commercial Resupply Services (CRS) launches. The work being done in Bermuda includes:
  —Instrumentation formerly in mobile command and telemetry trailers will be housed in a concrete building originally built by NASA;
  —Radomes will be installed to protect sensitive antennas, previously subject to extreme corrosion; and
  —Upgrades and hardening will significantly reduce annual funding requirements for personnel and maintenance associated with Bermuda activities.

SUBCOMMITTEE RECESS

Senator SHELBY. Thank you very much. The subcommittee is adjourned.

[Whereupon, at 3:30 p.m., Thursday, April 16, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016

THURSDAY, MAY 7, 2015

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

The subcommittee met at 10:32 a.m., in room SD–192, Dirksen Senate Office Building, Hon. Richard C. Shelby (Chairman) presiding.

Present: Senators Shelby, Alexander, Murkowski, Collins, Kirk, Boozman, Capito, Mikulski, Leahy, Feinstein, Coons, Baldwin, and Murphy.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

STATEMENT OF HON. LORETTA E. LYNCH, ATTORNEY GENERAL

OPENING STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. The subcommittee will come to order. Welcome to today's Commerce, Justice, and Science Subcommittee hearing examining the Department of Justice's fiscal year 2016 budget request.

First, let me welcome Attorney General Loretta Lynch to her first hearing before this subcommittee as she assumes the important responsibility of serving as our Nation's chief law enforcement officer. Welcome. As you begin your term as Attorney General, I believe that it is critical for you to return the Office of Attorney General to its constitutional purpose, which is to enforce the laws of the land, not the decrees and whims of the President.

The President has a White House counsel and plenty of attorneys arguing for his points of view on immigration, privacy, environmental regulations and more. The Attorney General, I believe, is the servant of the laws and citizens of the United States, not the President. I want to encourage you, Madam Attorney General, to consider this perspective carefully as you begin your service in a job that is critical to our democracy and to the rule of law.

I am deeply troubled by your support of the President's unilateral Executive actions, which provide amnesty to millions of illegal immigrants. Fortunately, the sweeping policy change undertaken without input from Congress has been stayed by the courts while a detailed review is conducted through the lens of the law and the Constitution. I hope that while this litigation is pending, progress will be made on key responsibilities that are within the Depart-

ment's jurisdiction, such as the Executive Office for Immigration Review. The President's 2016 budget seeks a funding level of $482 million for this office, which is $135 million above the current 2015 funding level. That is a big increase.

Significant improvements and reforms I believe are needed in our immigration court system in order to address the approximately 440,000 pending cases, some of which involve unaccompanied children. This backlog equates to a waiting period of several years before a case is heard. I believe, and I would hope you would agree, that this is unacceptable. While the needs are great for immigration courts, I have serious reservations about such a large funding increase when inefficiencies in management concerns have yet to be addressed within this office.

In your new role as the Attorney General of the United States, I am interested in hearing your suggestions and recommendations for prioritizing spending for the Department's most important and pressing missions involving national security, law enforcement, and criminal justice. The President's 2016 budget request for the Department of Justice totals $29 billion, which is $2 billion above the 2015 enacted level. And while funding for the Department of Justice is one of the Federal Government's highest priorities, we simply cannot afford such an increase in spending while operating under our current budget constraints, which puts a lid on all of us. I am concerned that even in the midst of the current fiscal climate, the President has proposed new grant programs and initiatives that would further stretch the Department's spending.

When it comes to law enforcement, your arrival at the Department at a critical time of needed leadership is welcomed. Since our hearing early this spring with the Department's law enforcement chiefs, we have seen the departures of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Director and the Drug Enforcement Administration (DEA) Administrator. I hope that you will pay particular attention, Madam Attorney General, to these law enforcement agencies to ensure that they faithfully execute their duties during this time of change.

As an example, the Bureau of Alcohol, Tobacco, Firearms, and Explosives has a rule pending that would impose burdensome and, most people believe, unnecessary regulations regarding firearms that are lost or stolen in transit. However, the ATF's own statistics indicate that this number is insignificant and should not be a cause for concern. It certainly does not warrant, I believe, such encumbering regulations.

Oversight and accountability remain a top priority for this subcommittee. I have consistently expressed my displeasure to your predecessor regarding the Department's resistance to cooperating with the Department of Justice's Inspector General. I continue to hear from the Inspector General that this office—his office is having difficulties in obtaining the documents needed to do their job. I urge you to work with the Inspector General to make sure that he and his staff can successfully complete their reviews and audits of the Department of Justice.

I have outlined that the Department faces many challenges that will require fiscal support. The path for making meaningful progress runs through this subcommittee. I know that. As you

begin your tenure, Madam Attorney General, I want to express the subcommittee's hope that we will have a productive and constructive working relationship. Thank you, Madam.

Senator Mikulski.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you, Mr. Chairman, and I want to welcome the Attorney General. We are so glad that you were finally, finally, finally confirmed, and we could get beyond the petty politics that were the obstruction to that confirmation.

Before I go into my statement, though, I want to remind the subcommittee that yesterday was Senator Shelby's birthday, so could we join in a round of applause and wish him good health and blessings?

Senator SHELBY. Thank you.

Senator MIKULSKI. Let us hope that is not the high point of the hearing.

Madam Attorney General, you have had an eventful first 2 weeks in office. I know this is your very first congressional hearing since you have been confirmed, and we are looking forward to your testimony in terms of the Justice Department's needs for its 2016 budget. We are eager to hear from you about the many ongoing efforts at the many Justice Department agencies.

We want to, first of all, thank you, Madam Attorney General, for your work in coming to Baltimore and you were keen to coming into Baltimore. It was tremendously helpful to the mayor, to our police department, and, most of all, to the citizens to have the presence of the Justice Department. I personally want to thank you on behalf of the entire Maryland delegation for the professionalism of your team and, of course, yourself. I want to particularly acknowledge the Deputy Attorney General, Ms. Gupta, Mr. Ron Davis, the Director of the COPS Program, Mr. Grande Lum and your outstanding community relations team that came in and provided very crucial technical assistance during troubling times.

We were in Baltimore on Tuesday together as you listened to faith-based community leaders. You met with local officials, and even reached out to the Freddie Gray family. I will not be asking you any questions about the Freddie Gray investigation because we know it is an ongoing investigation.

You have gotten a request from the mayor about asking the Department of Justice to open a pattern and practice investigation into our police department. Later on this afternoon you will be getting a letter from the Maryland delegation supporting that request. That will go forward.

But I want to say this. In many cities throughout the country, and including my own town of Baltimore, and in communities primarily that have significant populations of color, there has been now a tattered, worn, and even broken trust between the community and the police department. We have got to restore that trust. We need the police department. We want to express our condolences to the people in the police department of Queens about the death of Officer Brian Moore, who was gunned down so brutally. But we also do need criminal justice reform, and we need it with an urgency of now.

I intend to ask questions about what you need in the way of resources to do the job that needs to be done, and also what reforms that are needed that are specific and are targeted. We are also joined today by an outstanding appropriator, but also the chair of the—I mean, the ranking member—of the authorizing committee on the Judiciary Committee, who has a long history in this. We are here to show that the American people have a Government on their side and to have a constitutional focus to what we do.

We have put money in the Federal checkbook—$2.3 billion—for grant programs, targeted resources for police, local government, and communities. They range from more cops on the beat, to dealing with the rape kit backlog, to child abuse. Mayors have told us they need help getting more cops on the beat. We had $180 million in doing that. We also wanted to help them be able to have the equipment that they needed, and there is $376 million in grant programs.

Now we have to look at what does that mean. Some are crying out for body cameras. Is this just yet one more gimmick, or is it a crucial tool? Communities and non-profits want to help our young people, and this is why we will look for your thoughts either today or in the ongoing discussion on our juvenile justice programs, prevention, of intervention, who are helping with everything from delinquency prevention to the ongoing mentoring that we need.

As you know, many of our civil rights groups and community leaders have called out for criminal justice reform. We are looking forward to your advice to that, and we know that the Judiciary Committee will also be doing it. But I am going to have questions related to money and also training, that in other words, if you get the money, should you get training. I look forward to asking questions on whether if you get COPS money, Byrne grant money, and others, should there be required training on how to deal with racial and ethnic bias? What about the use of force? Should there be national standards that every department meets? What about body cameras? There are privacy concerns, there are storage concerns, many concerns. What should we do about it?

And last but not at all least, I do hope again for both this conversation and ongoing the examination of the so-called broken window policy. When the broken window policy was initiated by or talked about by an imminent sociologist, John Q. Wilson. I supported that policy, and I supported it as somebody who started her career as a social worker, that if you fix the broken window, that if you intervene with youth when they were doing minor offenses, we could intervene in a way that prevented them from growing up doing major offenses.

But while we were looking at the so-called minor criminals, we were going to fix the broken windows. We were going to deal with vacant houses. We were going to deal with the truancy problem. We were going to do this. But now what seems to happen is the policy has deteriorated to where we have stopped fixing the broken window and we have escalated the frisking. No more fixing, but lots of frisking, and that is what our folks feel. Last year, 120,000 police stops occurred in Baltimore. We are a population of 610,000. That is a lot. I do not know what the appropriateness of that is, but I think we need to look at it.

So today I sit here as the ranking member of the subcommittee that will fund your Department, and I assume my national responsibility. But I am also here for the 85,000 kids, all of whom that day of the disturbance went home peacefully. What can we do to help them? The 610,000 law abiding people in Baltimore who obeyed the law and helped to do that. So we look forward to working with you on what are the tools to restore confidence between our police and our community, but also put our arms around our young people and see what we can do to help them. And maybe when we fix a broken window, we have to fix the broken political process, and we have to get the job done.

Thank you, and I look forward to your testimony.

Senator SHELBY. Madam Attorney General, welcome to the subcommittee. Your written testimony will be made part of the record in its entirety. You proceed as you wish.

SUMMARY STATEMENT OF HON. LORETTA E. LYNCH

Attorney General LYNCH. Thank you, sir. Thank you, Mr. Chairman, and remind me to come around on your birthday another time. It is quite a celebration.

Well, good morning, Chairman Shelby, Vice Chairman Mikulski, and the other distinguished members of the subcommittee. It is indeed an honor to appear in front of you for the first time as the Attorney General. I look forward to working collaboratively with all of you today and in the days ahead as we seek to protect and to serve the American people together.

But I want to take a moment to extend a special thank you to Senator Mikulski for your leadership in the United States Senate over the last three decades, for your support of the Department of Justice and its employees, and for the extraordinary example of public service you have provided to all Americans, and especially to women. And I am honored to have the opportunity to work with you during your final 2 years in office.

Senators, as we approach National Police Week, which begins next week, it is fitting that we take a moment to consider the contributions and the needs of law enforcement——

Senator SHELBY. Madam Attorney General, would you mind pulling your mic just a little closer?

Attorney General LYNCH. Thank you, sir. Actually, sir, it seems to be fixed. Thank you, Mr. Chairman.

Senators, as I noted, National Police Week will begin next week, and at this particular time in history it is important that we take a moment to consider the contributions and the needs of our law enforcement officers across the country. Law enforcement is a difficult profession, but a noble one. And over the course of my career as a Federal prosecutor and as U.S. attorney for the Eastern District of New York, I have been privileged to work closely with truly outstanding public safety officials, and I have seen up close the dangers that they face every day.

As mentioned by Senator Mikulski, earlier this week Officer Brian Moore, a 25-year-old New York City police officer, died after being shot while trying to question a man in Queens. And just 2 days ago, Sergeant Greg Moore of Coeur d'Alene, Idaho was tragically gunned down, also while interacting with a suspicious indi-

vidual. The tragic loss of these brave individuals serves as a devastating reminder that our Nation's public safety officials put their lives on the line every day to protect people they have often never met. Their exemplary work is the foundation of the trust that must exist between law enforcement officers and the communities that we all serve. And that is why when there are allegations of wrongdoing made against individual officers and police departments, the Department of Justice has a responsibility to examine the evidence and, if necessary, to help them implement change.

While I was in Baltimore on Tuesday, I met with the mayor, law enforcement officials, and community, faith, and youth leaders. I spoke with an officer who was injured amidst the violence, and I heard a number of ideas regarding ways in which the Justice Department can continue assisting Baltimore as they work to recover from recent unrest. Although the city has made significant strides in their collaborative reform efforts with the Community-Oriented Policing Services Office, I have not ruled out the possibility that more may need to be done. And I assure you, Senators, that I am listening to all voices.

We are currently in the process of considering the request from city officials and community and police leaders for an investigation into whether the Baltimore City Police Department engaged in a pattern or practice of civil rights violations. And I intend to have a decision in the coming days.

Now, the situation in Baltimore involves a core responsibility of the Department of Justice, not only to combat illegal conduct when it occurs, but to help prevent the circumstances that give rise to it in the first place. Going forward, your support of the Department and of our funding in the fiscal year 2016 President's budget will enable us to build on our successes and make further progress in the mission with which we are entrusted.

I am pleased to say that this budget request is in line with my highest priorities as Attorney General: safeguarding our national security, defending the most vulnerable among us, and strengthening relationships of trust and collaboration between law enforcement officers and the communities that we service. Now, of course, our most important objective must continue to be protecting the American people from terrorism and other threats to our national security.

As you know, under my predecessor, Attorney General Eric Holder, the Department of Justice engaged in essential efforts to counter violent extremism and domestic radicalization, to strengthen counterterrorism measures, to promote information sharing and collaboration with the intelligence community, and to provide training and technical assistance to our foreign partners. We must advance this progress on all fronts. We must prepare to meet new and emerging threats and vigorously defend American citizens at home and abroad.

The President's budget will strengthen our national security efforts by investing a total of $4.6 billion in the Department's cutting edge counterterrorism and national security programs. This total includes $775 million, an increase of $27 million, for addressing cyber crimes and enhancing the security of information networks. In an age in which criminals have the ability to threaten our na-

tional security and our economic wellbeing from far beyond our borders, it is critical that we expand our focus and strengthen our defenses to protect all Americans from exploitation and abuse.

I firmly believe that cybersecurity must be among the top priorities for the Department of Justice. This important funding will allow us to build on the outstanding work of the Department in identifying new threats, thwarting attempted intrusions, and bringing the perpetrators of wrongdoing, wherever they may hide, to justice.

As the Department works to safeguard American security, we are equally committed to upholding American values, including the protection of our most vulnerable populations. The fiscal year 2016 budget would provide $103 million in new civil rights investments to address hate crimes, sexual violence, and human trafficking, an area that warrants our renewed focus and redoubled effort. It would allocate $124 million to improve the efficiency of our immigration court system by supporting additional immigration judge teams and Board of Immigration Appeals attorneys, by expanding the successful Legal Orientation Program, and by allowing for additional legal representation for unaccompanied children.

And it would deliver $247 million in program increases for the Smart on Crime Initiative, which was designed to address America's overreliance on incarceration while reducing recidivism, and deploying law enforcement resources more effectively. By all available evidence, this program has been a major success as well as an area of bipartisan cooperation and agreement. The requested funds in this year's budget will allow us to extend this critical work and to amplify our shared commitment to a fair, efficient, and effective criminal justice system.

The Department has made it clear, and I firmly support, that this innovative approach does not in any way lessen our resolve to combat violent crime, drug trafficking, and other violations of Federal law. We remain determined to vigorously investigate and prosecute criminal activity. The President's budget supports our goals in that regard by appropriating an additional $43 million for us to investigate and hold accountable those who break Federal laws and harm innocent citizens, from illegal firearms and drug traffickers, to perpetrators of healthcare scams and financial fraud.

In all our efforts, we intend to work closely not only with this distinguished body, but also with our law enforcement partners on the front lines across the country. And that is why the President's budget allocates an additional $154 million to support our State, local, and tribal partners in their own efforts to counter violent extremism, to hire and retain officers, to serve the victims of crime, to research best practices, improve indigent defense, and expand reentry programs. This appropriation includes nearly $95.5 million for the Community-Oriented Policing Services Hiring Program, $35 million for tribal law enforcement, and $20 million for the Collaborative Reform Initiative, a recently developed program that facilitates collaborations between the COPS Office and law enforcement agencies seeking assistance on a wide variety of criminal justice issues, from use of force practices and the deployment of crisis intervention teams, to building trust with the members of their communities.

As we have seen even in recent days, programs that establish trust and improve collaboration are essential to carrying out our law enforcement duties effectively and to the overall safety of the American people. In the days ahead, I hope and I fully intend to bolster our efforts in that area. I am eager to work with this subcommittee and with Congress to build on the many achievements of the Department of Justice and to secure the timely passage of the President's budget, which provides $28.7 billion in discretionary resources for the Department, including $26.3 billion for vital Federal programs and $2.4 billion for State, local, and tribal assistance programs.

As a former United States attorney who saw firsthand, who lived through the unsustainability of sequester, I can tell you that this level of support is necessary to ensure that we can continue to protect the American people and effectively serve the priorities of the United States of America.

Mr. Chairman, ranking member of the subcommittee, I thank you once again for the opportunity to meet with you here today and to discuss the work of the Department, and I am happy to answer questions that you may have. Thank you for your time.

[The statement follows:]

PREPARED STATEMENT OF HON. LORETTA E. LYNCH

Good morning, Chairman Shelby, Vice Chairwoman Mikulski, and other distinguished members of the subcommittee. It is an honor for me to appear before you today for the first time as Attorney General of the United States. I want to thank you for the trust you have placed in me through your confirmation of my nomination. Throughout my tenure as Attorney General, I will strive to uphold that trust to protect and defend our Constitution, to safeguard our people, and to stand as the leader and public servant that they deserve. I look forward to working with this subcommittee, the United States Senate, and the entire United States Congress to protect and serve the American people. Vice Chairwoman Mikulski, I am particularly honored to work with you in your last 2 years as a Senator. I would like to thank you personally for your leadership, example, and support to the Department of Justice and the Nation.

In my new role as Attorney General, I am here to highlight the President's fiscal year 2016 budget request for the U.S. Department of Justice (the Department or DOJ). While this budget pre-dates my arrival as Attorney General, I am pleased to say that it is in line with my highest priorities for the agency: the safety of our citizens and our national security; protection of the most vulnerable among us; and strengthened relationships between America's brave law enforcement officers and the communities they are entrusted to serve.

Continuing our focus on the *Smart on Crime* initiative is critical to achieving these priorities because, while the aggressive enforcement of Federal criminal statutes remains necessary, we cannot prosecute and incarcerate our way to a safer Nation. We must reduce our prison populations by better preventing and deterring crime, improving charging and sentencing, and enhancing rehabilitation and reentry programs that reduce recidivism. We must also invest in improving relationships between communities and the criminal justice system in order to restore faith in our systems.

As we convene this morning, I know we're all still mindful of the situation in Baltimore. I assure you that in the days ahead, the Justice Department will continue to work to ensure justice, restore calm, and resolve unrest.

This budget will further these important goals and allow the dedicated employees of the Department to continue the great work they do every day to reduce crime, reform our criminal justice system, and ensure our safety and security.

Thankfully, as a result of bipartisan efforts, DOJ has been able to implement a process to backfill critical vacant positions resulting from the Department-wide hiring freeze between 2011 and 2014. DOJ brought on approximately 2,500 staff in fiscal year 2014 and we hope to bring on 1,500 more in fiscal year 2015. The fiscal year 2016 budget provides funding to both sustain these employees and provide for an additional 1,600 positions.

The fiscal year 2016 budget requests $28.7 billion in discretionary resources for the Department, including $26.3 billion for Federal programs and $2.4 billion for State, local, and tribal assistance programs. This represents a 4.8 percent increase over the comparable fiscal year 2015 enacted funding level. The key funding priorities include:

—*Defending U.S. citizens from national security threats*.—The budget invests an additional $107 million to develop the Department's capacity in critical national security areas including: countering violent extremism and domestic radicalization to violence; counterterrorism; cybersecurity; information sharing and collaboration with the Intelligence Community; and training and technical assistance for our foreign partners.

—*Upholding civil and constitutional rights*.—The budget includes $103 million in new investments to better address human trafficking, hate crimes, and sexual violence in our primary and secondary schools as well as higher education. The additional funds would expand civil and criminal enforcement efforts to ensure the rights of our Nation's most vulnerable populations.

—*Investing in improvements to our criminal justice system*.—The budget invests $247 million in the *Smart on Crime* initiative to better deter crime and protect the public. The initiative focuses resources on the most important law enforcement priorities, reduces disparate impacts of the criminal justice system on vulnerable communities, and considers alternatives to incarceration for low-level, non-violent offenses in order to reduce taxpayer expense and prevent recidivism.

—*Maintaining safe and secure Federal prisons*.—In addition to $146 million for the Bureau of Prison (BOP) included in the *Smart on Crime* initiative above, the budget invests an additional $71 million to increase staffing at high security prisons to improve officer and inmate safety; increase medical beds for severely ill inmates; and undertake essential rehabilitation, modernization, and renovation of aging BOP facilities.

—*Improving the efficiency of the immigration court system*.—The budget invests $126 million to support additional Immigration Judge Teams and Board of Immigration Appeals attorneys, to expand the successful Legal Orientation Program, to allow for greater representation of unaccompanied children, to modernize information and data sharing systems to improve the efficiency of processing case materials, and to keep pace with workload demands associated with civil cases.

—*Improving responses to violent crime, illicit drugs, and healthcare fraud*.—Simply maintaining existing capacity is not sufficient. The budget requests $43 million in additional investments to investigate and punish those who break Federal laws and harm innocent citizens. This includes preventing the illegal use and trafficking of firearms, addressing the increase in heroin and other emerging drug trends, thwarting international drug trafficking organizations, addressing international piracy of intellectual property, and combating healthcare fraud and wildlife trafficking.

—*Enhancing State, local, and tribal law enforcement programs*.—The budget requests $154 million in net discretionary program increases to support the ability of our State, local, and tribal partners to counter violent extremism, hire officers, better serve victims of crimes, conduct research to build evidence on best practices, improve indigent defense, and expand re-entry programs.

—*Addressing gaps in critical Department infrastructure*.—The budget invests $27 million in the renovation and repair of prisoner holding spaces in Federal courthouses, Department-wide information technology improvements, and oversight of Department policies and procedures.

PROTECTING THE AMERICAN PEOPLE FROM TERRORISM AND OTHER NATIONAL SECURITY THREATS

Defending U.S. citizens from both internal and external threats remains the Department's highest priority. The Department made significant achievements in this area in fiscal year 2014. The Department's counterterrorism investigations disrupted 214 terrorist threats and the FBI investigated approximately 14,000 national security cases. The FBI, DEA, ATF, Department of Homeland Security, U.S. Secret Service, and the U.S. Postal Inspection Service successfully coordinated on many efforts, including the arrest of multiple vendors involved in online forums, such as Silk Road 2.0, which were trafficking counterfeit currency, narcotics, firearms, explosives, and illicit documents.

The fiscal year 2016 budget will enable the Department to continue meeting the challenging and ever-changing threats to our national security by providing a total of $4.6 billion in resources, including $107 million in program increases for four crit-

ical national security issues: (1) countering violent extremism and domestic radicalization to violence; (2) cybersecurity; (3) information sharing and collaboration with the Intelligence Community; and (4) training and technical assistance for our foreign partners.

To counter violent extremism and domestic radicalization to violence, the fiscal year 2016 request provides $15 million to allow the Department to foster community-led efforts through funding from the Office of Justice Programs (OJP) and the Community Oriented Policing Services (COPS) to State, local, and tribal law enforcement agencies and community organizations nationwide. At the National Security Division (NSD), $1 million in additional resources would support its investigative and prosecutorial efforts focused on homegrown violent extremists intent on attacking the United States.

The fiscal year 2016 budget request also includes $775 million in total for cyber-related activities that address cybercrimes and defend the security of critical information networks. This request includes increases of $27 million for key program enhancements to the FBI, NSD, U.S. Attorneys, and the Criminal Division. The FBI will continue improving its cyber collection and analysis, while extending its centralized cyber capabilities to the field through its Next Generation Cyber initiative. NSD will bring on additional attorneys to help with prevention, detection, investigation and prosecution, and vulnerability management, as well as policy development and program oversight related to cyber threats to national security. To prosecute increased cybercrimes across the country, the U.S. Attorneys require additional attorneys that specialize in cybercrimes, as well as increased training on digital evidence. Enhancements to the Criminal Division would increase the Division's capacity in six key areas: training for attorneys on cybercrime and digital evidence; enhancing digital forensic capacity; providing technical and legal expertise; improving information sharing efforts with the private sector; building and strengthening relationships with foreign law enforcement partners, and developing cyber policy. Finally, in order to protect the Department from increased cyber threats and intrusions, the fiscal year 2016 budget invests in additional cybersecurity tools and IT infrastructure maintenance and improvements.

Information sharing and collaboration with the Intelligence Community is critical for the success of the Department's efforts to ensure our national security. A program increase of $3.2 million for NSD will enhance its court-authorized intelligence collection efforts and increase its oversight of information used during national security investigations and prosecutions. Increases for the FBI and DEA will allow both agencies to improve their information technology systems.

Because crime increasingly transcends national borders, the United States must improve its coordination with foreign partners. The Mutual Legal Assistance Treaty (MLAT) is the mechanism that enables the provision of evidence and extradition of persons across borders. Improvements are still needed to reduce the backlog in MLAT requests from our foreign partners and improve MLAT response time. As of January 2015, the Office of International Affairs (OIA) in the Criminal Division had a backlog of over 11,500 pending cases. The Department is working to fully replace its existing, antiquated IT system with an anticipated completion date of mid-2016. The Department has also begun to gather better data from its existing case management tool, such as timelines for the processing of requests, which will generate useful metrics to evaluate the execution of MLAT requests. OIA has made significant progress in filling attorney vacancies that accumulated during the Department's hiring freeze. However, without the $32 million investment for personnel and technological resources requested in the fiscal year 2016 budget, OIA will not be able to accomplish its plans for centralization or process improvement.

Finally, the fiscal year 2016 budget also invests additional resources for the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT). Both agencies further U.S. national security interests by helping stop terrorism and crime before it can reach our shores. ICITAP and OPDAT costs have been generally funded by the State Department, however, as the issues to be addressed grow, so has the need for steady base resources within the Department's budget.

PROTECTING CIVIL RIGHTS

The Department must protect not only American citizens but also American values. Accomplishing the Department's mission to uphold the civil and constitutional rights of all Americans, particularly the most vulnerable, requires resources to investigate, litigate, and conduct outreach and technical assistance. As such, the Department is requesting program increases totaling $103 million across several components. For the Civil Rights Division (CRT), the fiscal year 2016 request includes

total enhancements of $16 million to expand efforts associated with human trafficking, voting rights, and enforcement of Title IX and other laws that address discrimination against students on the basis of sex. The request for CRT also includes additional resources to protect servicemembers and individuals in institutions, and to expand efforts to ensure that all communities have effective and democratically accountable policing. An enhancement of $7 million would allow for new Assistant U.S. Attorneys to focus exclusively on civil rights law enforcement and work in tandem with CRT on the more complicated and time consuming cases, such as sex and labor trafficking cases.

The Community Relations Service (CRS) has been engaged in forging constructive partnerships to prevent and relieve tensions between law enforcement and communities around the country, including Ferguson, New York City, and most recently Baltimore. The fiscal year 2016 request includes an increase in funding for CRS to help prevent hate crimes and engage local communities and law enforcement departments in dispute resolution activities. Funding will also support the goals of the President's My Brother's Keeper Initiative, which seeks to address persistent opportunity gaps faced by boys and young men of color to ensure that all young people in this country can reach their full potential. The Department requests $78 million in grant program increases to: improve the public's access to counsel and legal assistance in State, local, and tribal courts and juvenile justice systems; implement the recommendations of the White House Task Force to Protect Students from Sexual Assault; and assist law enforcement agencies on criminal justice issues, including use of force practices and the deployment of crisis intervention teams.

BECOMING SMARTER ON CRIME

In early 2013, the Justice Department launched a comprehensive review of the criminal justice system in order to identify reforms that would ensure Federal laws are enforced fairly and, in an era of reduced budgets, efficiently. As part of this review, the Department studied all phases of the criminal justice system, including charging, sentencing, incarceration, and reentry, to identify the practices that are successful at deterring crime and protecting the public. The *Smart on Crime* initiative was created to focus Federal resources and place the harshest sentences on the most violent offenders rather than prioritizing the sheer number of prosecutions. Considering alternatives to incarceration for low-level, non-violent offenses strengthens our justice system and places a lower financial burden on the budget so that funds can be spent on essential public safety priorities. The *Smart on Crime* initiative will also help contain incarceration costs over the long term by facilitating inmates' successful transition back into society.

Of the $247 million requested in program increases for the *Smart on Crime* initiative in fiscal year 2016, $146 million is dedicated to re-entry and recidivism reducing programs at the Bureau of Prisons (BOP). More specifically, the funding would expand sex offender management programs, mental health staff, cognitive behavioral treatment, vocational programs, as well as medically assisted treatment programs for individuals in the justice system dependent on opioids. The request also includes funding for a new, broader reentry program that reaches out to offenders' children and families to strengthen familial bonds, which are critical for helping inmates transitioning back home. At U.S. Attorneys' Offices, $25 million would support dedicated prevention and reentry coordinators in all 94 districts. OJP will add new resources to its Residential Substance Abuse Treatment program and Second Chance Act Program so that State, local, and tribal governments can address the critical needs of the sub-population of offenders who most need the services and drive most jurisdictions' recidivism rates. Enhancements to OJP's Smart Policing and Smart Prosecution programs encourage the development of data-driven strategies by local law enforcement and prosecutors to address specific crime problems more effectively and economically in their jurisdictions.

MAINTAINING SAFE AND SECURE PRISON AND DETENTION FACILITIES

To increase safety for officers and inmates, the fiscal year 2016 budget requests $71 million in program enhancements. For BOP's 17 high security institutions, $32 million would ensure that there are two correctional officers on duty in each housing unit at all times. The Department is requesting $5 million to convert Federal Correctional Institution Fort Worth to a Medical Referral Center that will house and treat severely ill inmates currently housed in community hospitals. Finally, the request increases funding for BOP to undertake essential rehabilitation, modernization, and renovation of BOP institutions, one third of which are 50 years old or older. This maintenance and repair will preserve our capital investments and ensure sufficient security within these aging institutions.

ENFORCING IMMIGRATION LAWS

The Department plays an integral role in the immigration system by ensuring the fair, expeditious, and uniform application of the Nation's immigration laws. The Department's Executive Office for Immigration Review (EOIR) oversees the immigration court and Board of Immigrant Appeals. In recent years, EOIR has sought to keep pace with the rising number of immigration cases, in order to maintain the efficiency and effectiveness of its immigration enforcement, adjudication, and detention programs.

To process the increasing workload and improve the efficiency of the immigration court system, the Department requests an increase of $124 million to support an additional 55 Immigration Judge (IJ) Teams and 28 Board of Immigration Appeals attorneys and provide for other improvements to the immigration system. This enhancement will help IJ Teams and attorneys adjudicate rising immigration caseloads resulting from the increase in Southwest Border crossings. Also included in this program increase is $50 million to expand legal representation for unaccompanied children and $10 million to improve efficiencies in immigration court proceedings by expanding the Legal Orientation Program.

The Department's Civil Division, Office of Immigration Litigation (OIL), also plays a crucial role in upholding the immigration enforcement actions of DHS and EOIR. OIL defends the Government in district court cases and challenges to removal orders filed in circuit courts. The Department requests an increase of $1 million to address the growth in class-action immigration cases.

IMPROVING RESPONSES TO VIOLENT CRIME, ILLICIT DRUGS, AND HEALTH CARE FRAUD

The Department's mission and responsibility is to investigate and punish those who break Federal laws and harm innocent citizens. Continued investments are needed to strengthen the Department's ability to uphold those commitments and obligations. Simply maintaining existing law enforcement capacity is not sufficient. For fiscal year 2016, the Department requests $43 million in additional investments to address violent crime, illicit drugs, and healthcare fraud.

Investments to combat violent crime include resources for the United States Marshals Service (USMS) to investigate violations of the Adam Walsh Act and assists State, local, tribal, and territorial jurisdictions in locating and apprehending an estimated 100,000 non-compliant sex offenders. Funding is also requested to expand officer safety training for USMS operational officers and task force officers.

The budget supports a strong response to the increase in heroin abuse and other emerging drug trends. This includes additional resources for DEA's information sharing efforts to thwart international drug trafficking organizations as they seek to exploit financial markets, intellectual property, the energy sector, as well as other legitimate sectors and markets. The request also includes resources to pay for State and local clandestine laboratory cleanup program.

For the Department's litigating divisions, the budget requests additional resources to enforce laws that address international piracy of intellectual property), healthcare and financial fraud, as well as fraud against the military. Each year, industry loses hundreds of billions of dollars due to counterfeiting and global trade of illegitimate goods. In recent years, the Criminal Division has returned billions of dollars to the Federal Government from its efforts to combat fraud. The Civil Division not only recovers billions of dollars for taxpayers; it also saves billions by defending the U.S. against lawsuits. In fiscal year 2014 alone, the Civil Division defended against suits in which approximately $100 billion was at issue. To continue successfully safeguarding taxpayer dollars and protecting the healthy, safety and economic security of the American people, the Civil Division needs additional staff to handle the increasing number of cases they receive. Finally, $2 million would support the multinational efforts of the Environment and Natural Resources Division to combat wildlife trafficking and related transnational organized crime activities.

INVESTING IN STATE, LOCAL AND TRIBAL ASSISTANCE PROGRAMS THAT WORK

Crime and the ability to respond effectively to it continue to be major challenges for many communities across the country. The fiscal year 2016 budget maintains the Department's commitments to State, local, and tribal partners without reducing the Department's Federal operational role. The fiscal year 2016 discretionary a request for State, local, and tribal law enforcement assistance is $2.4 billion with a net discretionary increase of $154 million. This includes a program increase of $15 million to implement the administration's Countering Violent Extremism Initiative that will address domestic terror incidents and the emergence of groups attempting to recruit Americans to take part in ongoing conflicts in foreign countries. The budg-

et also targets $97 million for the President's new Community Policing Initiative to build and sustain trust between law enforcement and the people they serve. Both the COPS and OJP budgets include enhancements to support these two initiatives.

The fiscal year 2016 request for OJP supports a net increase of $30 million in grant funding for indigent defense, Second Chance Prisoner Reentry, Justice Reinvestment, and juvenile justice programs. The budget includes the mandatory grants of $1 billion for the Crime Victims Fund and $100 million for the Public Safety Officer's Death Benefits.

The fiscal year 2016 request for COPS provides an increase of $95.5 million, including $69.5 million for the COPS Hiring Program, with $5 million targeted towards improving diversity in law enforcement, and $35 million for Tribal Law Enforcement. The request includes $20 million as a separate line-item for the Collaborative Reform Initiative which enables the COPS Office to partner with law enforcement agencies that may need assistance on a wide variety of criminal justice issues that range from use-of-force practices and the deployment of crisis intervention teams, to building trust with the communities served. Again, it is efforts like these that may help to prevent situations like those in Ferguson and Baltimore.

The fiscal year 2016 request for the Office on Violence Against Women (OVW) includes a total of $50 million in enhancements. Protecting students from sexual assault is a top priority for this administration, and the budget reflects this by including a $14 million increase to the Campus Violence Program to better meet the need on college campuses. Other increases include $5 million for a new Tribal Jurisdiction program, $21 million for a new program to improve law enforcement and prosecutorial response to sexual assault, and $10 million for enhancements to the Legal Assistance to Victims Program.

ADDRESSING GAPS IN CRITICAL DEPARTMENT INFRASTRUCTURE

In order to maintain an effective and efficient organization, the Department must invest in its physical and non-physical infrastructure. The infrastructure resources requested for fiscal year 2016 are focused in three categories: information technology (IT) improvements; facility construction and maintenance; and oversight functions.

The resources requested for facility construction and maintenance total $5 million to renovate and repair USMS prisoner holding cells in Federal courthouses. This funding will significantly reduce the repair backlog so the USMS can better provide for the safety and security of judges, court personnel, and others in Federal court facilities.

For IT improvements, $15 million is requested for the Department to continue its data center consolidation efforts, provide the public greater access to the Department's data, and increase automated litigation services. With every passing year, a healthy IT infrastructure becomes more critical to ensuring that DOJ operations remain effective. Consolidation of data centers is one of the ways the Department is saving and avoiding costs while increasing data security.

Finally, $10 million is requested to enhance oversight functions such as increased funding for contract oversight by the Inspector General and increased staff for Department leadership to strengthen policy analysis and compliance efforts.

CONCLUSION

Chairman Shelby, Vice Chairwoman Mikulski, and members of the subcommittee, it is my pleasure to highlight recent DOJ successes as well as the resources identified for fiscal year 2016 to maintain and build upon such successes. The Department clearly understands the need for fiscal restraint and has achieved as many cost savings as possible without jeopardizing its mission. The increases requested in the President's budget are those necessary to address the most pressing criminal justice needs of our country. As my father always reminded me, we all gain the most when we act in service to others. It will be my honor to work together with each of you in service to the American people and in the spirit of mutual respect and Constitutional balance. I would be happy to answer any questions you may have.

IMMIGRATION

Senator SHELBY. Thank you, Madam Attorney General. In November of 2014, the President expanded immigration amnesty through Executive order in furtherance of his 2012 Executive order to people over the age of 30 and to new arrivals. It also allows about 4 million additional illegal immigrants, who have been in the country for 5 years and who are parents of U.S. citizens and legal

residents, to apply every 3 years for deportation deferrals. In January this year, you testified during your confirmation hearing that you believe that the President's Executive actions are legal and constitutional, even though the President stated on record many times that he did not believe he had the constitutional power to grant amnesty without authority from the Congress.

Why do you believe that the President's Executive actions granting amnesty to millions of illegal immigrants are legal and constitutional?

Attorney General LYNCH. Mr. Chairman, you certainly are focused on one of the most challenging issues facing our country today, how to deal with the immigration issue. As I indicated during my January testimony, as a career prosecutor and former U.S. attorney, I particularly focused on the prioritization of the removal of the most dangerous illegal immigrants from our country. With respect to that issue, I found that to be an imminently reasonable exercise of administrative and prosecutorial discretion.

With respect to the actions involving the issuance of deferrals to new members who would apply for that, I believe that matter is a subject that is under consideration by the courts. As you have noted, those actions have been enjoined. As I stated during those proceedings, I am committed to abiding by the injunction and certainly working with the Department of Homeland Security to ensure that the injunction is supported while it is pending.

Senator SHELBY. As you assume, and you have, the position of Attorney General, how will you, Madam Attorney General, enforce current immigration laws given your belief that the recent Executive actions trump existing laws? In other words, do all the Executive actions and presumptions there trump the laws of Congress? How do you rationalize that?

Attorney General LYNCH. Senator, I believe that our existing laws are a vital resource in dealing with the problem of both illegal immigration and as well as criminal activity that results from illegal immigration. In particular, the Department's own Executive Office of Immigration Review (EOIR) is charged with adjudicating various types of immigration violations. As you have noted, EOIR has suffered from a backlog of cases and inefficiencies that have delayed actions separate and apart from the President's new policies that has delayed actions for far too long. Within the new budget request, the Department would seek to hire additional immigration judges, 55 in total, to reduce this backlog.

But also, Senator, recognizing that we simply cannot wait for additional money, we are taking steps already to try and make the Executive Office of Immigration Review more efficient. Previous to my testimony, the judges have already worked to triage, so to speak, the types of cases that need to be adjudicated quickly. Judges have been reassigned and redeployed to handle the backlog of cases because we recognize that that is unsustainable. Separate and apart, of course, from the Executive Office of Immigration Review, as I am sure the subcommittee is aware, approximately 30 percent of Federal criminal cases that are brought by our U.S. attorneys across the country relate to immigration offenses.

So, Senator, separate and apart from the legal result or the court result of the November policies, the Department of Justice is mov-

ing forward both to prosecute criminal activity resulting from illegal immigration and to support the work of its Executive Office of Immigration Review, which we believe is vital.

FINANCIAL FRAUD

Senator SHELBY. I want to shift into another area of financial fraud. In one of your previous jobs, you were directly involved in several high profile financial fraud settlements during your tenure as the U.S. attorney for the Eastern District of New York. However, it is my understanding that not one of those settlements also involved a criminal prosecution. Why did you and the Department—I know you were not the Attorney General then; you were the U.S. attorney—not pursue criminal charges, and how could you enter into billion settlements sometimes with firms guilty of fraud, and yet never see fit to prosecute not one person for mortgage or financial fraud? And will that change now since you are the Attorney General? In other words, are people buying justice by settlement?

Attorney General LYNCH. Senator, with respect to the work with which I was proud to conduct as U.S. attorney regarding the Residential Mortgage-Backed Securities Initiative, my office was involved in two of the major settlements of that as well as other outstanding U.S. attorney's offices across the country. Throughout those investigations, the message from the leadership at the time, from all the U.S. attorneys working on that, and from myself to my team, the direction was that no entity is above the law, no individual is above the law, no one is too big or too powerful to jail or to fail.

But what the Department of Justice does in every case, Senator, is follow the evidence. We ascertain the best way of achieving legal compliance when there have been violations and providing redress to victims. We look carefully in every case, not just the residential mortgage-backed securities (RMBS) cases, but every case involving a financial institution where American citizens have lost hard-earned money to determine the best way to bring those wrongdoers to justice. And where the evidence leads us to find that we can prove beyond a reasonable doubt that there has been a criminal violation, we go in that direction.

And I would point you to the number of criminal fraud prosecutions brought by my office on behalf of the victims of Ponzi schemes, mortgage fraud schemes, and real estate schemes over the years involving hard-working Americans who were defrauded of their life savings. Where we find evidence that points toward civil liability, we pursue that. But I can assure you, Senator, that both in my prior position and going forward, I take very seriously the obligation to protect the American citizens from fraud of all types, and it is one of my highest priorities as Attorney General.

Senator SHELBY. But the standard threshold for a civil case is not as high as a criminal case, and neither should it be. Is that correct?

Attorney General LYNCH. That is correct. There is a different burden of proof on the Government, and where we have evidence that meets the criminal burden of proof, we do proceed. And there

are several people who are sitting in Federal prison contemplating the results of their actions now who can provide proof of that.

Senator SHELBY. Okay. Senator Mikulski.

Senator MIKULSKI. Thank you, Mr. Chairman. Madam Attorney General, there are many programs you have functioning at the local level, certainly in Baltimore. We have a top notch U.S. attorney's office, an outstanding Baltimore FBI field office, joint task forces working with local government going against everything—dealing with everything from human trafficking—such a violent, despicable thing—to Medicare fraud, which we know, for example, in Florida, is already to $3 billion defrauding our Government of money that should be in the trust fund helping sick people. So we thank you for what you are doing.

GRANT PROGRAMS

The issue, though, is also focusing on criminal justice reform because of our grant program, particularly in COPS, Byrne, others, that go directly to local law enforcement. Do you think that there should be mandatory training in the areas of ethnic and racial bias as well as also on the use of force, and that there should be a national standard? In other words, in order to get the money, you have to take the training so that behavior will not tatter or wear out or even break the trust that the community must feel.

Attorney General LYNCH. Senator, I think as we administer our grant programs to our local law enforcement partners, all of those issues are on the table and are under consideration. Currently, I will say that our view is that the grant program is a very important tool in bringing offices into compliance with not only Federal standards, but also community standards. So we would not use that as a barrier to the grant program, but rather as an incentive to work with us and gain training on use of force policies.

We have grants that are specifically targeted towards that. Through the COPS Office, whether there is a collaborative reform effort or not, we provide specific training on best practices involving use of force. Not only do we provide the training, we also attempt to link local law enforcement with other local law enforcement offices that themselves have either received training for the COPS——

Senator MIKULSKI. But, Madam Attorney General, I mean, we will get lost in collaborative reform and all this, and I do not mean lost. First of all, we do know that Baltimore City through its both mayor, and police commissioner, and the concurrence of other elected officials have initiated a collaborative reform effort in Baltimore. That is a voluntary effort where police departments reach out to you, meaning the Attorney General, and his or her offices to evaluate the Department on how to better improve police community relations. That is under way, but that is voluntary.

Attorney General LYNCH. Yes.

Senator MIKULSKI. That is voluntary. Then, of course, there is the pattern and practice investigation. We know we have asked for that. You will make your determination later on whether you will initiate it.

But what about where they have not asked for collaborative reform, but they have asked for money? There is a lot of let us gets

the money, you know, and we supported more cops on the beat. We supported the Byrne grants so that our law enforcement would have the tools that they needed, whether it is other technology or whatever. But, again, they took the money, but we see that there are other issues that community-based leaders, faith and grassroots and others, are saying the relationship is worn. And my question is if you get the money, should there be training, whether it is latent bias, deliberate bias, and also the use of force?

Attorney General LYNCH. Yes, Senator, and I certainly agree——

Senator MIKULSKI. So do you think that apart from whether they have a collaborative reform effort underway or not?

Attorney General LYNCH. Yes, Senator. Separate and apart from whether there is a collaborative reform effort, in a pure grant situation we do seek to provide training. My only point was, and I actually do not want to disagree with you on that because it is such an important point. My only point was we do not use that as a barrier to obtaining the grant, but rather as an incentive to work with us and obtain training from a variety of different sources. Some of that training will come as a result of the grants. Some of the training comes as a result of us connecting police departments with others.

Senator MIKULSKI. I understand that, but the community feels they get a lot of money from the Feds, and we do not have the necessary things. So I would like to have ongoing conversation with you about it.

Attorney General LYNCH. Yes, and those issues are under consideration because, as you indicate, they are very, very important and essential to the——

Senator MIKULSKI. What other tools do you feel that you have on criminal justice reform to help restore this trust that exists that we need to restore on our communities?

Attorney General LYNCH. Well, Senator, we have touched a little bit on the collaborative reform process, but, again, as we have seen, without community trust in that, it may not be as effective as we would wish. Certainly we then have other tools to consider.

Within our programs we do provide training on use of force. We do provide training on building community trust. We also, as you mentioned earlier in your statement, through our Community Relations Service worked directly with the community to attempt to empower them to engage with their local leaders, with the police department, and to hold them accountable as well, because we do think that community accountability is an important part of that relationship.

Senator MIKULSKI. Well, we have more to ask. If there is a second round, I want to focus then on juvenile justice.

Attorney General LYNCH. Yes.

Senator MIKULSKI. Thank you very much.

Senator SHELBY. Senator Kirk.

Senator KIRK. Madam Attorney General, I want to raise questions about Racketeer Influenced and Corrupt Organizations (RICO) prosecutions. I understand that countrywide we have about 1,517 under the RICO statutes. Assuming that Illinois is about 5 percent of the United States, that would mean we would have had over 60 RICO prosecutions in our area. Right now it is about zero.

I want to encourage you very strongly to work with Zach Fardon, our U.S. attorney there, to make sure that the RICO prosecutions that we have underway, that we can prosecute gangs of national significance that then Chairwoman Mikulski backed me on to take on the issue of crime gangs, which are taking over some of our cities. I think RICO is the particular statute that we should go with.

Attorney General LYNCH. Senator, I could not agree with you more on the efficacy of the RICO statute in targeting——

Senator KIRK. Let me just follow up on one other thing.

Attorney General LYNCH. Certainly.

GANG VIOLENCE

Senator KIRK. This subcommittee has added $18,500,000 to the U.S. Marshals to combat these gangs. My understanding is the new task force of Chicago has arrested about 344 people in relation to this effort. Is that your understanding?

Attorney General LYNCH. Sir, I do not have that exact number. I would have to get back to you, but I know that it is very active in the Chicago area.

[The information follows:]

As of July, there have been 695 arrests made in Chicago in relation to this effort.

Senator KIRK. Thank you.

Attorney General LYNCH. Senator, just to follow up on your previous point, I could not agree with you more on the efficacy of the RICO statute as a tool to target violent crime, particularly gang violence. The importance of taking out the leadership of a gang, both from a law enforcement perspective and from a community perspective, cannot be overstated. I thank you for the discussions that you and I had during my courtesy visits with you, and, in fact, I have had discussions with the U.S. attorney in Chicago as well as with the head of our Criminal Division here in Washington about finding ways to bolster those efforts, and both have assured me that they are also committed to using this important tool.

Senator KIRK. I want to make sure we get the word down to Leslie Caldwell and Doug Crow and make sure they follow up.

Attorney General LYNCH. Yes, sir. I have spoken with them, and they are committed to this as well.

Senator KIRK. Thank you.

Attorney General LYNCH. Thank you, sir.

Senator KIRK. Thank you, Mr. Chairman.

Senator SHELBY. Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman. Madam Attorney General, it is nice to see you again.

Attorney General LYNCH. Thank you, sir.

Senator LEAHY. Thank you for being here. And I agree with what Senator Mikulski said about your presence in Baltimore, and that sort of thing is not only important for the community, which you would understand far better than I, but it is important to the country. And I understand that as you did in your hearing before the Judiciary Committee, you were asked a number of questions on immigration, and questions on something that since I have been here every President has done, Executive actions on immigration. I think probably the most extensive were by President Reagan. But

I would also point out if—an Executive action is usually done, it is when Congress does not act.

Now, we spent hundreds of hours putting together an immigration bill in the U.S. Senate. It passed a couple of years ago. Two-thirds of senators voted for it, Republicans and Democrats alike. Huge bipartisan effort. Even though by all analyses the immigration bill would have passed the House of Representatives, the Republican leadership in the House refused to take it up.

So I have a little trouble hearing criticisms of the President finally acting when the Congress would not. If the Congress does not like what the President has done on immigration, pass an immigration bill. We did it in the Senate. Again, Republicans and Democrats came together. However, the Republican leadership refused to bring it up in the House. Had they, we would not even be having this question. So I would just say that if we do not like it, then the Congress must pass a bill.

I also think we ought to reform our Federal sentencing laws. The Bureau of Prisons is consuming nearly a third of the Department's budget, and we talked about what we should be doing on law enforcement and other priorities. A third of your budget is going into the Bureau of Prisons. Excessive mandatory minimum sentences are wasting money that could be spent otherwise.

One of the proposals under consideration by the Senate Judiciary Committee, the Modern Sentencing Act, would reduce mandatory minimums for non-violent drug offenses. In your law career as a Federal prosecutor, you prosecuted many drug cases. I prosecuted many drug cases. Do you think we can reduce those mandatory minimums, and still keep our communities—excuse me—and still keep our communities safe?

SENTENCING REFORM

Attorney General LYNCH. Senator, I think we absolutely can have sentencing reform that enables us to reduce the mandatory minimums and keeps our communities safe. It is important to note that the recent efforts at sentencing reform that seek to reduce mandatory minimums do not eliminate them. They still recognize the need to provide serious punishment for the most serious offenders. In fact, what we have seen with the Smart on Crime initiative is that while overall drug cases may have gone down, the longer sentences have actually gone up. We are now focusing on those larger offenders, the large-scale traffickers who are flooding our communities with poison as opposed to the lower level offenders, who did need to be punished, but at a different scale. So I think sentencing reform is an excellent way to make sure that these efforts continue.

Senator LEAHY. I think also we sometimes think we can do a one-size-fits-all. California did that with three strikes you are out, and it darn near bankrupted the State. I worry about what is happening when we are taking money from law enforcement to lock up people. Some people should be in prison. I am all for that. Others we are wasting time and money, and that money could be used in other areas of the criminal justice system.

HEROIN

I am also worried about the increase in heroin use and overdose. It has become a health crisis. Even in my home State of Vermont we have not been spared. Between 2000 and 2012, treatment for opioid addiction in Vermont rose by more than 770 percent. Just last week, the Vermont State Police issued a warning about the dangers of heroin laced with the drug fentanyl, after it was linked to a number of multiple overdose deaths in our State.

Interdiction alone is never going to solve the issues, but the law enforcement agencies, particularly in small and rural States or small rural areas, which every State has, need some help. I pushed last year to create a new grant program to support an anti-heroin task force. I understand the grant program is getting under way. Last year, the Justice Department was instructed to create a multi-agency task force to address the rising number of heroin uses. Can you tell me how that is going and what you might be able to do to help with——

Attorney General LYNCH. Yes, Senator.

Senator LEAHY [continuing]. This public health crisis?

Attorney General LYNCH. Yes, Senator. It certainly is the intersection of law enforcement and a public health issue. Our budget does request additional funds to deal with this uptick in heroin abuse and other emerging drug areas.

As you noted, there is a Senate-mandated heroin task force. They held their first meeting just last week. The Deputy Attorney General is actively involved in that, and it deals not only with law enforcement, but the public health issues of that. It is also led and supplemented by several of our U.S. attorneys who over the past several years have themselves worked with public health officials and local communities to deal with this as a public health crisis. So we are bringing all voices to the table in an attempt to get the policies that have been effective at a local level promulgated nationwide and make them available to other communities as well.

As I mentioned, the President's budget does call for increases that would support our law enforcement efforts in heroin as well as opioid addiction in general because, of course, we still have the prescription drug crisis that is tied to this as well.

Senator LEAHY. Thank you. Thank you, Mr. Chairman and Senator Mikulski.

Senator SHELBY. Thank you. Senator Collins.

FISA SECTION 215

Senator COLLINS. Thank you, Mr. Chairman. Attorney General Lynch, just this morning the 2nd Circuit Court of Appeals held that Section 215 of the Foreign Intelligence Surveillance Act does not authorize Government to engage in the bulk collection of phone numbers under the metadata program. One of the President's independent review groups which looked at this law, Mike Morrell, the former deputy director of the CIA, as well as the former director of the FBI, Robert Mueller, have said that had this program been in place prior to the terrorist attacks on our country on 9/11/01, it likely would have prevented those attacks. So we have a very serious question here of balancing security with privacy rights and the

clarity of the law, which is set to expire. That provision expires June 1.

Since January of last year, this section of the Foreign Intelligence Surveillance Act (FISA) has been conducted pursuant to new procedures that were instituted by the President. Now, the AG provides a semi-annual report on privacy violations associated with the law. The new procedure provides that except in emergencies, the FISA Court is now required to approve ahead of time any queries of phone records database because of the changes made by the President.

Two questions. One, are you aware of any significant privacy violations that have occurred since the President instituted these reforms? And second, has the Justice Department made a decision yet on appealing this decision by the 2nd Circuit? I realize it just came down.

Attorney General LYNCH. Yes. Thank you, Senator. Section 215 has been a vital tool in our national security arsenal, but the Department has, as you note, been operating under the new directives by the President with a view towards modifying the program to keep its efficacy, but preserve privacy interests. I am not aware at this time of any violations that have come to light. I will certainly seek a briefing on that, and should I learn of any, I will advise the subcommittee of that if my knowledge changes on that. But as of now, I have not been informed of any violations under the new policy.

With respect to the decision from the 2nd Circuit, my home circuit actually, we are reviewing that decision this morning. But given the time issues involving the expiration of it, we are and have been working with this body and others to look for ways to reauthorize Section 215 in a way that does preserve its efficacy and protect privacy.

ELDER FRAUD

Senator COLLINS. Thank you. I want to turn to an issue that you and I discussed when we met at my office, and that is the tremendous increase in the number of scams that are targeting our Nation's seniors. They range from the Jamaican lottery scam, the grandparents scam, and most recently the IRS imposter scam. What we have learned is that these scammers typically operate offshore, and they rely upon advanced communication and payment technologies. And the losses suffered by individual victims are devastating and they aggregate in the billions, yet the Federal Government has been extraordinarily lax in its approach to actually going after these criminals. And only the Federal Government can realistically tackle the international crime networks behind many of these scams.

I also want to bring to your attention that under your predecessor, and I want to make it very clear it was before your time, that the Department refused to send to the subcommittee a witness to testify on the Department's efforts. That was appalling to both the ranking member, Senator Claire McCaskill, and to me. What can the Department do to be more aggressive in prosecuting these scams which aggregate in the billions of dollars, and will you

pledge that from now on the Department will cooperate with our investigations?

Attorney General LYNCH. Well, Senator, with respect to the very, very important role that this subcommittee plays in gathering information about the Department's priorities, I will always strive to cooperate and provide either a witness or information, whatever is best, for the subcommittee to receive so that we can help you learn not only about our priorities and issues, but also to do the important work of this subcommittee. I am not aware of the circumstances that were around that previous request, but certainly I will always commit to providing this subcommittee with the assistance that it needs either before the subcommittee or at the staff level.

With respect to the very important matter that you raise—many of them are overseas based fraud schemes. The other troubling factor to me is that many of them target our elderly population, and that is a particularly vulnerable population to telemarketing schemes be they based locally or be they based overseas. So that is very troubling to me, and the protection of our vulnerable population is one of our priorities.

I am not aware right now of the cases that we may have in our pipeline. I certainly will ask for a review of this important issue. Our budget does, of course, ask for funding to continue the fight against fraud, and I know that all of the agencies that are involved in this, you mentioned, for example, the IRS scam calls, are very concerned about that.

As someone who actually received one of those calls myself, I can tell you that if one is not aware of the fraudulent nature of them, they can be very disturbing. And it is easy to see how our seniors in particular, but other people, can get pulled into that.

Senator COLLINS. Thank you.

Senator SHELBY. Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman and Vice Chairwoman Mikulski, for holding this hearing, and welcome, Madam Attorney General. It is so great to see you again this time in your now official capacity leading the Department of Justice.

VA INVESTIGATION

I was pleased to hear a few minutes ago your giving voice to the seriousness with which you take issues of over prescription, addiction, and abuse, and diversion of opioid drugs. And I want to call your attention to a situation in my State of Wisconsin at the Tomah VA medical facility where there are a number of investigations ongoing, all relating to these very pressing issues.

I called on your predecessor, Attorney General Holder, to investigate potential criminal activity at this facility. My request and communication to your predecessor was based on multiple sources, including published investigative journalism reports, numerous whistleblowers and citizens who have contacted my office conveying information that in my mind raises serious questions about potential criminal activity. Currently the VA is conducting an investigation as is the VA Inspector General, and the DEA is engaged in an investigation of allegations of drug diversions at the facility.

But I remain convinced that there are additional elements that warrant further criminal investigation. And my letter to your predecessor outlined some of those, including an alarming number of 9–1–1 calls made from the facility over the past several years—over 2,000—reports of 24 unexplained deaths, allegations of illegal access to confidential patient information and law enforcement records, et cetera.

Now, I understand you cannot get into any details of ongoing criminal investigations, so as a consequence I would simply ask if you will evaluate these allegations and coordinate with the existing three Federal investigations to determine if there are additional criminal investigations that are warranted and appropriate in this particular case?

Attorney General LYNCH. Well, Senator, I thank you for raising this important issue because I think that the safety and security of those who use our Veterans Administration's hospitals is foremost a priority, not just for my tenure as Attorney General, but for our country. As someone whose family has used those hospitals, I am well aware of how vital a resource they are to the families and to those who are ill. And certainly, I am aware of the situation. I have not yet had a briefing on the matter, but I will commit to you that I will request a briefing on this matter and make sure that all efforts to coordinate are being undertaken.

Senator BALDWIN. I thank you for that. And one additional matter, again, given the urgency with which we respond to the opioid abuse problems that we have throughout our Nation, I want to make you aware of some impediments in the DEA investigation into drug diversion at the Tomah VA. The DEA and the VA have differing interpretations of the scope of a VA specific patient privacy law, which may be limiting the ability of VA personnel to fully participate in interviews if they are told that they cannot reveal particular information about patients. It certainly would be an incredible obstacle to a thorough investigation if not fully resolved.

And so, if you have previously been briefed, I would ask you what is the status of the Department's effort to resolve the confusion? If you need authorization language from the Congress to resolve this issue, I would appreciate it if you would provide that to me and my staff.

Attorney General LYNCH. Thank you, Senator. As I indicated, I have not yet been briefed on this matter, although I am aware of the DEA's investigation into the situation, and of course fully support it. And we will also look into whether or not there are impediments to DEA being able to view this as a criminal matter.

Senator BALDWIN. Thank you.

Attorney General LYNCH. Thank you.

Senator SHELBY. Senator Alexander.

Senator ALEXANDER. Madam Attorney General, welcome. I was in New York City for my law school reunion at New York University (NYU) this past weekend, and many of my classmates knew you and were very complimentary of you.

Attorney General LYNCH. Thank you, sir.

Senator ALEXANDER. I want to begin by thanking you and the Department for something. It is my understanding that sometime today the Drug Enforcement Administration will approve the State

of Tennessee's application to import certified industrial hemp seeds for research purposes. That may seem like a small matter, but it was important to our State agricultural department, and there was a practical issue. The seeds had to be planted in May, so I thank you for moving that along.

PRESCRIPTION DRUG WHOLESALER REQUIREMENTS

Second, on the Drug Enforcement Administration, I would like to call something to your attention that has been called to my attention. I do not have a solution for it, but I think it deserves really the attention of the Attorney General and the management, and it has to do with prescription drug abuse and the relationship between the Drug Enforcement Administration and the wholesalers or pharmacies who distribute controlled substances.

Now, here is what seems to be the problem. DEA requires wholesalers to track and report on "suspicious orders." These would be orders from local drug stores I guess. And it restricts how those orders can be filled if they are flagged as suspicious. Well, there is no guidance or clarity about what is a "suspicious order," and as we both know in the law, whenever the law gets too vague, sometimes there are risks and problems associated with that.

One risk, of course, if a wholesaler refuses to send a controlled substance to a drug store, then someone with a broken arm goes to the drug store, and that person is out of luck. The other risk is that there develops an adversarial relationship between the Drug Enforcement Administration and the wholesalers over this issue.

So my request is simply this. Would you please take a look at the words "suspicious orders" and the relationship between the DEA and wholesalers and pharmacies, and see if there needs to be additional guidance so that we do not have an adversarial relationship between people who really should be in a partnership to make sure controlled substances are not sent to the wrong people at the corner drugstore?

Attorney General LYNCH. Certainly, Senator, I can commit to that. I also echo your concern that in a desire to protect people, we may be, in fact, inhibiting the ability of people who have legitimate needs for pain medications to obtain them, which is not our intention. And it certainly is something that I will undertake to review.

METH LAB CLEAN UP

Senator ALEXANDER. Thank you very much. And my final question also is just to put a spotlight on something. Our State, Tennessee, is third in the Nation in meth lab seizures. It is a big problem, especially in rural areas and because the demand for enforcement exceeds the funding. Our State developed what they call a central storage container program. They found a way to clean up meth labs for $500 per lab instead of $2,500 per lab. Now, that is progress if you can do something for 20 percent of what you used to do it for.

So we were pleased to see the budget of $4 million more for the meth lab cleanup program this year, but disappointed that the Department decided not to include funding for the competitive grant program for State anti-meth task forces. Given that the meth epidemic is one of the most urgent drug problems that we face, espe-

cially in rural areas, what was the thinking, especially as it affects rural communities with less resources, in not expanding or continuing the competitive grant program for States?

Attorney General LYNCH. Thank you, Senator. My understanding of that competitive program, the COPS Anti-Methamphetamine Program, is that the funding that exists is 2-year funding, and so there was not a need to request funding for this year because the program as enacted last year would cover this fiscal year. It is, believe me, not a desire to end or in any way diminish the program.

And it is also my understanding that the solicitation for this fiscal year will be released very soon, later this month in May. So I regret the appearance that the Department may have pulled back or withdrawn from that, but it is my understanding that because we have 2-year funding for that, that we will then have to come back in the next fiscal year to request additional funding.

Senator ALEXANDER. Well, that would be very encouraging. Thank you for that explanation. Thank you, Mr. Chairman.

Senator SHELBY. Senator Murphy.

FCI DANBURY

Senator MURPHY. Thank you very much, Mr. Chairman. Welcome, Attorney General Lynch. Congratulations on your confirmation. I had a few broader questions to ask, but I wanted to begin with a rather specific one to the Northeast region and to Connecticut. We have historically had a women's correctional facility in Danbury, Connecticut, and in July of 2013, the Federal Bureau of Prisons announced it was going to close that facility, which would essentially be the only—was the only facility for women in the Northeast. We had a number of really positive discussions with the Department of Justice and with the Bureau of Prisons, and they reversed that decision, understanding that it would be incredibly detrimental to women who are incarcerated in the Northeast if they had to be transported hundreds, if not thousands, of miles to other facilities.

The solution was to build a new facility, a low security facility for women in Danbury. And the initial schedule was for that facility to be completed by this month actually. And in the interim, all these women are being spread amongst jails in the Northeast, jails that really are not equipped to be able to handle the things that these women need, especially drug counseling in the long run.

So I just wanted to ask you if you had an update on progress of the construction of that facility and whether we can expect that construction will be completed as soon as practicably possible so that we can transition these women who are now in places like Brooklyn and Philadelphia back to a more long-term suitable facility.

Attorney General LYNCH. Certainly, Senator, and I share your concern over that important issue. When I began my career as a young assistant U.S. attorney (AUSA) in the early 1990s, Federal Correctional Institution (FCI) Danbury was not yet a total women's facility, and most women who were prosecuted in the Federal system ultimately ended up being housed in West Virginia. And the facility actually was fine, but for women from the Northeast it presented a significant negative impact on their ability to stay con-

nected with their families. It harmed their relationships with their children. Those collateral consequences are the types of things that we seek to avoid. And so, having FCI Danbury in the Northeast has certainly been a positive law enforcement step for all of who work in that area.

My understanding is that the environmental impact studies were completed quite recently, and that there are additional matters. In fact, I believe that there are pricing materials being resolved this month, and I am told by my team that construction should begin this summer. I do not have an anticipated completion date for you, and I regret to say that I am hesitant to offer one having seen several government construction projects in my day. But I am told that construction should begin this summer on the new facility, and I share your concern and view that it is an important law enforcement resource for the Northeast.

Senator MURPHY. Thank you for your personal attention to this. I look forward to talking with you about it as we move towards the construction schedule. Again, this is really a development of a really positive series of conversations. Not easy to reverse course on something like this, and I really thank the Bureau of Prisons for considering the impact of shuttling women prisoners to the far reaches of the Northeast.

NATIONAL BACKGROUND CHECK SYSTEM

Just one other query. I represent Newtown, Connecticut, Sandy Hook. It is a community that is still grieving dealing with the ripples of trauma that still exist there. I understand the realities of this place that we are not likely to get a bill expanding background checks, though 90 percent of Americans support the notion that everyone should have to prove they are not a criminal before they buy a gun. But as Senator Shelby noted in his opening comments, the ATF position is open, a very important position, for the enforcement of existing laws.

And the existing national background check system can be made much better to make sure that all of the data is being uploaded into it, making sure that that information is distributed. A hundred thousand individuals every year are prohibited from buying guns because of the background check system. It works.

And so, I just I would ask for your commitment to work with us to make sure that the ATF has the resources that they need in order to carry out existing laws, and your commitment, as your predecessor did, to work with us on making sure that our national background check system has the resources it needs to continue to do the good work that it has for decades.

Attorney General LYNCH. Certainly, Senator. I am committed to that important goal of supporting and strengthening the ATF, as well as making sure that their processes and the existing systems are as efficient as possible because that is how we protect our citizens.

Senator MURPHY. Great. Thank you very much. Thank you, Mr. Chairman.

Senator SHELBY. Thank you. Senator Murkowski.

TRIBAL LAW ENFORCEMENT

Senator MURKOWSKI. Thank you, Mr. Chairman. Madam Attorney General, welcome and thank you. I want to point out the aspects of your budget that focus on tribal law enforcement. This is an issue, of course, that is very important in my State. We had an opportunity to discuss it in your pre-confirmation meeting that we had, and I know that you have recently had a conversation with Julie Kitka, who is the president of the Alaska Federation of Natives.

The public safety challenges that face Alaska Native villages run the gamut, everything from the absence of full-time law enforcement officers in some villages, inadequate resources devoted towards community-based prevention, and restorative justice efforts. We have a tribal court system that is struggling because it is just really in an embryonic stage. We have human trafficking of our native women. The heroin issues that you have heard discussed here today are not just limited to the cities. They are out in our villages.

I know that you have got a lot on your plate. It is clear from the discussions here this morning. But I would like your commitment that you will work with me, you will work with the Alaska Federation of Natives (AFN) to really be involved to a personal extent and degree with some of these challenges that we are facing as they relate to rural justice in our native areas—in our rural areas. I have been asked by AFN, and I am actually going to be speaking to their board by video or by teleconference this afternoon, for an opportunity to sit with you and some of the native leadership to discuss some of these issues that are just so very troubling to us right now.

So I would like your commitment that we can have that meeting and perhaps very quickly your observations based on your conversations with not only me, but Ms. Kitka, about some of the substantive issues that we have with rural justice in Alaska.

Attorney General LYNCH. Senator, I would look forward to such a meeting, and I would welcome it.

Senator MURKOWSKI. Thank you.

Attorney General LYNCH. I think that the commitment that the Department of Justice and our Nation have made to Indian Country over the last several years has shown great promise, but it is one that must be sustained, maintained, and improved upon. We have several requests in the budget that go directly to the issues of tribal justice, the Office of Violence Against Women, for example.

And because it such an important issue to me, I am just going to outline them briefly because we are asking for an increase of $100 million, but part of that money would go for tribal grant set asides. Twenty million would go for the Crime Victims Fund Tribal Assistance Program. Five million would go for the Office of Violence Against Women Domestic Violence Jurisdiction Program.

As I know you are well aware, we recently had great success in enabling tribal courts to deal with offenders who commit violence against women and children on native lands when the offenders are non-Natives. That had been a bar for some time. It has been tremendously helpful to have given that jurisdiction to the tribal courts.

We also are asking for money to address environmental problems in Indian Country as well as to maintain current positions. I firmly believe that this commitment must be not only maintained, but expanded upon else we really do risk sliding backwards, Senator, with all the issues faced by tribal lands, particularly, as you and I discussed with Alaska, having such a large land mass and dealing with the law enforcement challenges there. We have to set in place systems that will work, but that will also be maintained.

HEROIN

Senator MURKOWSKI. Well, I agree with you. We have got a lot of work to do, and I look forward to those conversations with you and your team. On the heroin issue, you have heard it repeated several times here today, but I will reiterate that in our very remote rural areas, areas that are islands, areas that are not accessible by road, we are seeing the impact of heroin, whether it is in Dillingham, whether it is in Kodiak. And actually we have got meth issues in the community of Kodiak, and law enforcement is focusing on that, so they are not able to focus on some of the smaller villages that are out there.

So you mentioned the heroin task force that is in place. I would ask that you not forget the smaller communities where we see—we see an addiction and a devastation truly just taking our communities, just wiping them out. And it is a frightening thought that the resources may be there and available for the cities, but that our smaller communities where losing a few young people can be so significant to just health, morale, and safety. So I would ask that you work with us on that.

And, Mr. Chairman, I do have other questions that I would like submitted for the record, most specifically with the codification of the Brady obligation in statute. We have talked about that, but I would like further follow up on that.

Thank you, Mr. Chairman.

Attorney General LYNCH. Thank you, Senator.

Senator SHELBY. Senator Coons.

Senator COONS. Thank you Chairman Shelby, and thank you, Attorney General Lynch, for your service and for your testimony before us today. I want to congratulate you as you being your important service in the interest of our Nation.

Last year, Congress demonstrated its commitment to the Victims of Child Abuse Act by unanimously reauthorizing the programs in both chambers. Children's advocacy centers funded under this law conduct forensic interviews in a way that is both effective in serving law enforcement needs and respectful of the delicate needs of child victims of abuse.

CHILDREN'S ADVOCACY CENTERS

I was frankly very disappointed to see the President's fiscal year 2016 budget request once again only asked for half of the amount needed to fund these crucial programs. We are talking a modest amount, $11 million out of the $20 million authorization. What has your experience been with children's advocacy centers in your law enforcement role, and do you expect to be an advocate for them within the Department in 2016 and beyond?

Attorney General LYNCH. Well, Senator, my experience has been based primarily with my experience as a U.S. attorney in the Eastern District of New York, and we have found children's advocacy centers to be extremely powerful partners. And for us it has been in dealing with children who may be related to the victims of human trafficking. That has been a huge problem that we have seen in the New York area. And so, I know that there are other issues that are in other parts of the country, and I look forward to learning more about those. It is definitely a program that I feel is extremely important.

The overall budget includes our request for Juvenile Justice Programs, and it is our hope that the panoply of programs that we offer will, in fact, help provide a valuable safety net for those children in need.

Senator COONS. Thank you. I look forward to working with you on these valuable programs that I think are under resourced, but there are many challenges in our budget environment.

VIOLENCE REDUCTION NETWORK

Let me next reference the Violence Reduction Network, which is an effective program for cities like my hometown of Wilmington to address violent crime and connect local law enforcement with cutting-edge law enforcement resources, mostly Federal resources. I want to thank the very hard-working team in the Office of Justice Programs (OJP's) Bureau of Justice Assistance and the Wilmington team that is led by John Skinner.

I hope you commit to ensuring the Violence Reduction Network (VRN) Program is maintained and supported with necessary resources so that it can continue to serve as a valuable connection between the Department of Justice (DOJ) and a number of communities that have seen dramatic increases in violent crime. Is that something you are inclined to support?

Attorney General LYNCH. Senator, I support it wholeheartedly. Certainly Wilmington has been one of the flagship cities in this, not a distinction that you sought, but one which came upon you, I understand. But Wilmington has been an excellent model frankly for the level of cooperation between the Wilmington Police Department and the FBI, and the State and local and other Federal law enforcement agencies as well.

My understanding is we actually have identified five additional cities for the next fiscal year to be involved in this program. Again, not a distinction that they would seek, but one which we think is an area in which we think we can provide assistance. Beyond just the VRN, of course, we do have other resources for violent crime for our cities that may not have such extreme, and we are fully committed to those programs as well.

Senator COONS. Thank you. I look forward to continuing to work on Federal, State, and local law enforcement partnerships that can reduce violent crime.

COLLABORATIVE REFORM INITIATIVE

Let us turn to the Collaborative Reform Initiative. As we all know, we have strained relationships between law enforcement and communities in cities across the Nation, most recently and trag-

ically Baltimore, but this has occurred in many other places. I am particularly interested in the Collaborative Reform Initiative efforts that are underway in Baltimore, and would be interested in hearing more about what is on the table for the project, and how it is going to be sustained, and whether recent events in Baltimore have affected the CRI timeline.

Attorney General LYNCH. Well, with respect to the situation in Baltimore, the Collaborative Reform Initiative was begun last fall actually at the request of the Baltimore Police Department. And our COPS Office went into Baltimore and has been very, very active in working with both the police and the community to work on ways to improve the Baltimore Police Department. As we have discussed in this chamber earlier today and throughout my most recent visit to Baltimore, recent events have certainly made us cognizant of concerns that both city, the police, and the community have about the efficacy of a collaborative reform process. And we are listening to all those voices, and we are certainly considering the best as we move forward to help the Baltimore Police Department.

It is important to note, I think, that collaborative reform has been a very successful tool throughout the country. We not only provide technical assistance and training to police departments around the country, but we connect them with other police departments who have themselves either been through the process or who themselves have very positive law enforcement practices. So we try and make it a peer-to-peer relationship in terms of work and training as well. It is a tool, very, very important tool. And as you will note, our budget does request an increase of about $20 million to support these important reforms.

Senator COONS. Thank you, Madam Attorney General. I will submit a question for the record about forensic hair analysis. I was very concerned to see reports that FBI forensic experts may have overstated the strength of evidence, and I look forward to hearing what DOJ will be doing to provide meaningful relief to those convicted on the strength of misstated or inaccurate testimony.

Attorney General LYNCH. Thank you, sir. That is, in fact, an ongoing process, and we are very committed to working on that issue.

Senator COONS. Thank you. Thank you, Mr. Chairman.

Senator SHELBY. Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman. I apologize for running back and forth to you and our Attorney General.

There are two things that are really important to Arkansas, the sense of combatting violent crime and the other things that we are dealing with, but also reauthorizing the child nutrition programs. And so, we have a subcommittee going on in that regard, too, which both of those things go together, you know. If you have hungry kids, then, again, it all—it all flows together.

In the Smart Crime Initiative, I know that you have talked a lot about that and how important it is, and that in your request you state the initiative will spend $247 million to focus resources on reducing disparate impacts of the criminal justice system on vulnerable communities. Certainly that is important to Arkansas. But my understanding that I am hearing from attorneys general throughout the country that the reality is that there seems to be a direc-

tive coming down that terrorism and cybercrime, it is kind of the number one—terrorism and cybercrime are the number one things that they are to devote their resources to. Can you talk a little bit about that? I know that is so important, and yet, you know, we have so many communities now that are experiencing violent crime and that it is increasing.

Attorney General LYNCH. Senator, thank you for the opportunity to address that issue. Obviously national security and cybercrime are important areas, as I have noted. They represent not only ongoing threats to public safety and to American citizens, but new and emerging threats. And so, our budget does ask for funding for that.

VIOLENT CRIME

With respect to violent crime, however, I will reiterate the Department's commitment and my own commitment to that issue has not wavered. One of the things I think that is very important as a former U.S. attorney myself has been to recognize that every prosecutor knows best the crime problems of their area. What we try and do in the Department as I look at policies and interact with not just people here in Washington, but also in the field, is to make sure that we maintain the flexibility that allows U.S. attorneys working in conjunction with their State and local counterparts to identify the crime problems in their area and focus their resources on them. For example, my former office, the Eastern District of New York, has both a strong national security practice and a large violent crime program. Every office is not going to be similarly situated, so it is my goal to give my prosecutors the flexibility that they need to deploy their resources to best address the crime problems at hand.

With respect to violent crime, the Department's anti-violent strategies for several years have been focused on three main issues. Law enforcement, effective, vigorous, strong, is the core of that and the first part of that. But we are also attempting to look at prevention as well as reentry programs, and it has been very gratifying to see members of this body also address those issues at the statutory level as well.

As you mentioned, with respect to the food services program, not a DOJ program, but one that certainly impacts the crime rate of an area because it impacts the poverty rate of an area, and the health of the children, and the opportunities that they have, so it is interdisciplinary. It is holistic, and I can assure you that there is not an over emphasis on one type of priority over others. If a U.S. attorney feels that the largest problem in their area is one of violent crime, we have a number of ways in which we deal with that. We will concentrate resources for them. We will provide assistance from other offices and main Justice for them. I myself have in the past detailed attorneys from my office to others to help out on cases, capital cases and the like. And so, you will find a very, very strong commitment to violent crime prevention and enforcement within the Department.

HEROIN

Senator BOOZMAN. Thank you. Another huge issue going on throughout the country, not only in Arkansas, is opiates and her-

oin, and there are reports of doubling, tripling, things in that nature. Can you talk a little bit about addressing that problem? And then the other thing that I think is so important are the drug courts, and I think, for the first time, you have actually something in your budget for that.

Attorney General LYNCH. Yes.

Senator BOOZMAN. Are you an advocate or lukewarm or whatever? I really feel like that is—if there is a solution, that that is one of the key components to it.

Attorney General LYNCH. One of the key components certainly in the reduction of over incarceration as well as crime prevention have been drug courts. At the Federal level, not only are we focused on drug courts, we are focused on expanding our network of veterans drug courts because what we have seen also is that our veterans are returning with a number of problems for which the criminal justice system may not be the best method to treat them, for lack of a better phrase. And so, we are trying to expand opportunities to provide treatment as well as crime prevention for our veterans, as well as other low-level drug offenders.

They have been tremendously successful. My former district, the Eastern District of New York, has a very strong pre-trial diversion program as well as a pre-trial opportunity program. We try and pair those with reentry programs also, so I think that that is a very, very important tool.

I would add, however, that it really has been the States who have been showing us by example how effective drug courts can be in reducing crime, reducing recidivism. And the real goal is to make productive members of society out of those individuals whom we otherwise might have incarcerated for way too long.

Senator BOOZMAN. Thank you, Mr. Chairman.

Senator SHELBY. Thank you. Senator Mikulski.

PRISON POPULATION

Senator MIKULSKI. Mr. Chairman, I know the House is late. I just have a few comments for ongoing efforts. First of all, I want to associate myself with the remarks of Senator Leahy, the gentleman from Vermont, about the need for reviewing sentencing reform. But the prison population, you know, your appropriations request for prisons is $7 billion. It is a significant amount of money because it constitutes almost one-third of your appropriations.

I would hope because there is bipartisan effort in this area in terms of looking at what we need to do to safely reduce the prison population. We have an excellent facility in Maryland in Cumberland, but our concerns would be the public—safety for the public. Second and parallel, safety for the correction officers because you have got significant challenges in the prisons with overcrowding, and I worry about their safety.

And then third, what are the issues where prisoners who are either really old or really sick? In other words, how can we begin to do an evaluation of who is in prison and should they be in prison? And, Madam Attorney General, I would hope as you begin your term here that you look also at those of a significant age or significantly ill where they would pose no threat to the general public.

So let us have an ongoing conversation about it, and we look forward to your recommendations.

HEROIN

Heroin. It has come up just about from all of us, both side of the aisle. My Governor, a Republican Governor, a 90 percent congressional—Democratic congressional delegation. We are Team Maryland and wanting to deal with this, so we ask that your task force, which I initiated when I was chair with the support of Senator Shelby, is that it not only be internal to the Justice Department, but it be across the board involving the Department of Education, the Department of Human Services, the Department of Homeland Security. Is that the nature of the task force, or is it internal to the Justice Department?

Attorney General LYNCH. Senator, the task force had its first meeting last week, and I have not been fully briefed on that, but I will confirm the level of participation to you. Even if it is, however, focused on the Department of Justice, that does not preclude us from, as you noted, reaching across the street to those agencies and pulling them into the debate.

Senator MIKULSKI. We think this is a big issue. It is a big issue in our State. The third point that I want to make is juvenile justice. There are several grant programs here in the area of juvenile justice. I would hope in the days ahead we could work with your Department on what you feel would have, as we work with our mayor and our community-based groups, what would be the effective juvenile justice programs that we could either bring additional resources in or appeal for or apply for these grants.

I know speaking for the delegation and speaking for the leadership of our city, not only government, but our private sector as well as our community-based, faith-based leaders, we see this as a situation in which there could be an opportunity to really do something very significant in terms of our young people so that for those that are on track, we help them stay there. For those who need to get back on track, help them get there. And for those who really constitute significant risk to our community, we also do the right intervention. So we look forward to ongoing conversation. You are always welcome back in our hometown, but we also appreciate the availability, and the accessibility, and the professionalism of your staff.

Attorney General LYNCH. Thank you, ma'am.

Senator SHELBY. Thank you. Senator Collins.

DRUG COURTS

Senator COLLINS. Thank you very much, Mr. Chairman. I want to associate myself with the remarks of the Senator from Arkansas about the value of drug courts and the special veterans courts. I have seen firsthand in Maine the difference that these courts can make in helping people straighten out their lives, avoid imprisonment, and really change the direction of their lives. I know that does not happen in every case, but I have got to believe that these are cost effective.

And that is why I am disappointed that the administration's budget cuts $5 million from the drug courts program compared to

last year when it was funded at about $41 million, and also cuts a million dollars from the veteran treatment courts. I hope our subcommittee will take a look at that, but I wonder if the Department has done any sort of cost benefit analysis because this is a case where I think we are being penny wise and pound foolish.

Attorney General LYNCH. Ma'am, I am not aware of any cost benefit analysis to that, but I will see. I will ask if that was done, and so I do not know the basis for that particular allocation of funding there, but I certainly share your commitment to the efficacy of drug courts and the veterans treatment courts. And like you, I have seen them literally change lives.

Senator COLLINS. Well, I have seen it firsthand because I actually several years ago hired someone who had gone through the drug court program successfully. I will admit that I was somewhat apprehensive, but she turned out to be a wonderful employee, and I wanted to give her a chance. And but for drug court, her life would have gone in a very different direction.

I have also spoken at a graduation ceremony for a drug court in Portland, and it was really inspiring to see largely younger people being reunited with their significant others or spouses and children, and know that they really were committed to turning their lives around. I have also heard of the cases that were not successful, but that is the beauty of the drug court. And I just think this is something that deserves our support.

Attorney General LYNCH. I agree. Thank you, ma'am.

REGIONAL INFORMATION SHARING SYSTEM

Senator COLLINS. Let me just end with one other very successful program in my State that also unfortunately is cut quite severely in the administration's budget. And I realize you have not been on the job very long and were not involved in formulating this budget, so I am not certain whether you are familiar with this program. But it is called the Regional Information Sharing System (RISS). And I hear repeatedly from police officers, detectives, sheriffs, law enforcement at all levels in Maine, State, local, county, about how essential the RISS Program is in their efforts to fight violent crime, drug activity, human trafficking, and a host of other criminal enterprises.

I want to give you a specific example. A detective in Franklin County, a rural part of our State, told me recently about a fascinating case involving counterfeit silver dollars from China. He used the RISS databases to discover that the suspect was committing this crime throughout the State of Maine. He was also able to determine whether the same crime was occurring in other States. What was at first just a one incident case became a statewide investigation with the help of the RISS network and tools, which are especially vital in a rural State like Maine.

And that is why I am disappointed that the President's budget has slashed funding for this program. It is such an important tool for rural law enforcement to use. So I hope looking forward that you will take a look at programs that encourage that kind of collaboration at all levels of government, and allow a local sheriff who has arrested someone, to find out that this person has been com-

mitting crimes not only throughout his or her State, but in other States as well, and thus build a stronger case.

Attorney General LYNCH. Yes, ma'am. I share your view that that system is particularly efficacious. My understanding of that is that the request in the budget this year mirrors the request last year, which was increased by $5 million, so that it was not viewed as cutting that program, but maintaining it because we do feel it is so important.

Senator COLLINS. Well, it is my understanding that we plussed up the program in the Appropriations Committee because it was so successful, has bipartisan support, but then the administration in its budget request went back to the previous level. I may be mistaken about that, and I would certainly welcome any additional information.

Attorney General LYNCH. We will provide you additional information on that issue.

[The information follows:]

The fiscal year 2016 President's budget request includes $25 million for the Regional Information Sharing System (RISS), which matches the fiscal year 2015 request.

Senator COLLINS. Thank you. Thank you, Mr. Chairman.

Senator SHELBY. Thank you, Senator Collins. Attorney General Lynch, thank you for appearing here today and being patient with all of us and our questions. We look forward to working with you to make sure that the Justice Department is properly funded.

ADDITIONAL COMMITTEE QUESTIONS

If there are no further questions here this afternoon, Senators may submit additional questions for the subcommittee's official hearing record. And we request that the Department of Justice's responses to those questions come back within 30 days, Madam Attorney General.

[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. LORETTA E. LYNCH

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

STOPPING HUMAN TRAFFICKING AND PEDOPHILES

Question. What efforts is the Justice Department taking to stop human and sex trafficking in the U.S.? What additional resources are needed by Justice agencies to put traffickers out of business?

Answer. The Department aggressively prosecutes human trafficking cases. The Department has worked with its community and law enforcement partners to increase reporting and identification and to provide services to stabilize and support victims, in order to both facilitate victims' recovery and prosecute the offenders. Some cases are prosecuted federally while others are referred to State or local authorities for prosecution. In others, the case might result in the defendant being convicted of a criminal offense other than trafficking. The Department also collaborates closely with our interagency partners on innovative anti-trafficking initiatives, including the Anti-Trafficking Coordination Team (ACTeam) Initiative and the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative. In addition, the FBI leads or participates in 51 Human Trafficking Task Forces and 65 Human Trafficking Working Groups across the country.

The Department also continues to respond to dynamic threats involving the commercial sexual exploitation of children, such as gang-related child sex trafficking

and the use of Web sites to facilitate prostitution. The FBI's Violent Crimes Against Children Section (VCACS) leads 71 Child Exploitation Task Forces across the country and partners with 400 local, State, and Federal agencies in targeting those who victimize children through commercial sex trafficking. The Department, through the FBI, Civil Rights Division, Criminal Division, Office of Justice Programs, and other components, has also provided training on all forms of human trafficking to investigators, prosecutors, judges, Federal employees, non-government organizations, and others throughout the United States and in dozens of countries abroad.

In sum, the Department's trafficking programs continue to grow in scope, complexity, and impact. The $2.8 million enhancement in the fiscal year 2016 budget request for the Civil Rights Division would allow the Department to further build on this momentum.

Question. What kind of connections are agencies like the FBI seeing with gangs and human trafficking and sex trafficking?

Answer. Gang involvement in human trafficking and commercial sex operations is another area in which the FBI can work to disrupt and dismantle criminal organizations that use the exploitation of adults and juveniles for profit. Historically, gangs had limited involvement in human trafficking, but that level of involvement has increased due to the potential for profit from these crimes and the perception of a lower risk of detection and punishment.

The FBI works with other Federal, State, local, and tribal law enforcement agencies and victim-based advocacy groups to target human trafficking activity, including gangs that perpetrate the activity, and to rescue the victims of these crimes. The National Gang Intelligence Center and multiple law enforcement agency reports indicate that some gangs derive their income through human trafficking of adults and juveniles. Some gangs recruit, as well as exploit, affiliated female gang members for sex trafficking. Prostitution and human trafficking provide a significant source of income for a growing number of gangs. Street gangs and Outlaw Motorcycle Gangs have expanded their criminal scope into commercial sex. Gangs involved in prostitution and human trafficking employ control techniques, including: the use of drugs, violence, sexual assault, rape, branding or tattooing, and manipulation of victims to commit other crimes in furtherance of the gang. Similar to traditional pimp-and-prostitute relationships, gang members provide security, transport victims to dates, and schedule appointments.

COMBATTING HEROIN

Question. In the fiscal year 2015 omnibus, we requested that the Department of Justice convene a task force to come up with a comprehensive Federal solution covering law enforcement, healthcare and treatment, and prevention efforts. I was disappointed to hear that the task force had not even convened at our law enforcement hearing in March. What can you tell us about the status of the task force? Who is participating?

Answer. DOJ continues to increase support for drug abuse education, prevention, and treatment through partnerships with doctors, educators, community leaders, and police officials. As directed by Congress, the Department has joined with the Office of National Drug Control Policy to convene an interagency Heroin Task Force to confront this challenge. This Task Force is co-chaired by the U.S. Attorney for the Western District of Pennsylvania and the Office of National Drug Control Policy Deputy Director for State, Local and Tribal Affairs. The Department, Drug Enforcement Administration (DEA), and more than 28 Federal agencies and their components are actively participating on the Task Force. As noted in more detail below, other participants include medical community, enforcement, public health, and education experts. The Task Force is taking an evidence-based approach to reducing the public health and safety consequences caused by heroin and prescription opioids. We expect the Task Force to submit its comprehensive Strategic Plan to the President and Congress by the end of 2015.

The Task Force has convened three times as of July 28, 2015. Deputy Attorney General Sally Yates and the Director of the Office of National Drug Control Policy (ONDCP), Michael Botticelli, opened the first meeting. DEA Administrator Chuck Rosenberg and Centers for Disease Control and Prevention Director Thomas Frieden opened the second meeting. Four committees have been established to develop solutions to the heroin crisis. The committees include Prevention and Education, Law Enforcement, Treatment and Recovery, and Coordinated Community Response. The committees have met on multiple occasions to receive evidence, evaluate the problem, and begin developing recommendations.

Participating agencies include: the Bureau of Justice Assistance, Bureau of Justice Statistics, Centers for Disease Control and Prevention, Substance Abuse Mental

Health Services Administration, Centers for Medicare and Medicaid Services, Criminal Division, Community Oriented Policing Services, Drug Enforcement Administration, Department of Homeland Security, Department of Energy, Federal Bureau of Investigation, Food and Drug Administration, Federal Bureau of Prisons, Health Resources and Services Administration, Office of HIV/AIDS and Infectious Disease, Homeland Security Investigations, Justice Management Division, National Institute of Justice, National Institute of Drug Abuse, National Security Council, Office of the Deputy Attorney General, Office of National AIDS Policy, Office of National Drug Control Policy, Office of Urban Affairs, Justice and Opportunity, Organized Crime Drug Enforcement Task Force, Public Housing Support Services, and the United States Attorney's Office.

Question. Will the subcommittee receive a complete and comprehensive final report by December 2015?

Answer. The Task Force expects to complete and submit its full report to the subcommittee by the end of 2015.

Question. This subcommittee added funding of $7 million in the COPS Office for State and local enforcement combatting heroin in communities across the United States. Why was this program eliminated in the Justice Department's fiscal year 2016 budget request?

Answer. The Department of Justice and the administration have other resources available through the Drug Enforcement Administration and Office of National Drug Control Policy and, based on other budgetary needs, did not request funding for the heroin program in fiscal year 2016. Additionally, the fiscal year 2015 funding provided will support the task forces for 2 years.

BODY CAMERAS

Question. Fiscal year 2016 budget request includes $30 million for body cameras. The fiscal year 2015 budget had $20 million for body cameras as a Byrne-JAG program. How many cameras are expected to be purchased with each of these of amounts?

Answer. The Bureau of Justice Assistance plans to deploy over 11,000 cameras in fiscal year 2015 and over 15,000 cameras in fiscal year 2016. This funding also creates a national service provider to offer training and technical support to all agencies, thereby ensuring federally and non-federally funded programs have the greatest chance at success.

Question. What is the Department's cost estimate to put a body camera on every police officer? What costs come with data storage?

Answer. The Bureau of Justice Assistance has worked to create a per-camera, 2-year program cost of approximately $3,000. This funding metric is used in the Body-Worn Camera Pilot Implementation Program where the award maximum is $1,500 per camera to be deployed and is to be matched with State and local funds. A 100-camera program maximum award is $150,000 for a total 2-year program cost of $300,000.

Storage costs vary based on tangential considerations such as in-house versus cloud, security requirements, bandwidth needs, retention guidelines, scalability and redundancy. Current market trends for hosted solutions range from $20 to $100 per month, per camera. Similar scalable cost could be associated to in-house managed storage solutions though the quality of tangential considerations will also vary.

Ongoing annual costs, primarily storage, are estimated at $150 million per year, an estimate that could be reduced with rapid development of storage technologies and economies of scale.

The Bureau of Justice Statistics estimates that there are 477,000 sworn officers in America and that 65 percent of officers (310,000) perform a patrol function. This can vary between police agencies and sheriff's offices where the role of corrections is more prevalent. Given these considerations, if every patrol officer needed to be issued a new body camera, OJP estimates the total Federal cost to be $465 million, to be matched by State and local jurisdictions for a total 2 year program cost of $930 million. This is inclusive of policy development, training, implementation and estimated storage costs. Ongoing annual costs (year 3 and out) are estimated at $150 million per year, an estimate that could be reduced with rapid development of storage technologies and economies of scale.

Question. What are the privacy implications of body cameras? What is the Justice Department doing to study and publish best practices on body camera usage?

Answer. The Bureau of Justice Assistance (BJA) fiscal year 2015 body-worn camera solicitation requires agencies to perform an extensive review of all identified aspects of the body-worn camera program, including privacy considerations. BJA is also funding a national training and technical assistance provider to support all law

enforcement agencies in policy development and implementation. This national provider will work with Department components to further develop policy, best practices, and research.

BJA has also developed the Web-based National Body-Worn Camera Toolkit, which represents a broad collection of the topics pertinent to developing and implementing body-worn camera programs, including privacy issues. As a clearinghouse of reference material, policies, lessons learned and other resources, this website received over 30,000 visits in its first month alone. Examples of the resources that are already available through the toolkit are the Office of Community Oriented Policing Services 2014 Implementation Guide, the National Institute of Justice (NIJ)-funded Primer on Body-Worn Cameras for Law Enforcement and the Office of Justice Programs Diagnostic Center review of research on body-worn cameras. The Toolkit site also offers multimedia testimony from active practitioners to provide valuable insights into the efforts required to establish successful body-worn camera programs.

NIJ is providing funding for two research projects currently being conducted to examine the impact of body-worn cameras on policing.

—Researchers in the Las Vegas Metropolitan Police Department are currently examining the use of body-worn cameras by approximately 400 police officers in Las Vegas, Nevada. Outcome measures will include officer compliance with department policies, changes in police-citizen behaviors, and decisions by officers to use force in police-citizen encounters.

—Researchers are also evaluating body-worn cameras in the Los Angeles Police Department to examine their impact on privacy issues, police legitimacy and changes in police services, and reductions in crime.

In fiscal year 2015, BJA transferred $1 million to BJS so it could begin collecting data and generating statistics on this issue for a two part multi-year project. Of those funds, $500,000 was used to fund a 2015 survey. The first body-worn camera survey will be conducted this summer and fall (2015), in which BJS will survey local law enforcement agencies about their use of body worn cameras. The survey will address the following topics:

—When an agency obtained body-worn cameras;
—An estimate of the number of body-worn cameras in use;
—The level of deployment of body-worn cameras;
—Reasons for acquiring body-worn cameras (for those agencies that have them);
—Reasons for not acquiring them (for those agencies that did not acquire them);
—Collaboration with other entities in relation to body-worn cameras; and
—Formal body-worn cameras policies related to:
  —General operations (when to turn them on/off, recording effectively, informing citizens);
  —Transfer, storage, disposal of body-worn cameras video;
  —Frequency of upload and off-loading video;
  —Responding to external requests for video footage;
  —Retention and disposal of body-worn cameras video; and
  —Restrictions on internal/external access to body-worn cameras video.

BJS expects to have results from this survey by the end of 2015/early 2016.

The remaining $500,000 will support a second survey to be conducted in 2017. By repeating the survey 2 years later, BJS will be able to assess change in use and policies.

Body-worn cameras are intended to produce benefits to law enforcement and the residents of the places they serve. Among the potential benefits to law enforcement are improvements in evidence that can be used to clear crimes and the lessening of conflict that could result in officer or citizen injury or death. To study whether there is a relationship between the adoption of body-worn cameras and clearance rates or assaults (on officers or by officers), BJS will link its Law Enforcement, Management & Administrative Statistics data with the FBI's Uniform Crime Reports data on clearances by arrests, and the FBI's Law Enforcement Officers Killed or Assaulted and data from its body-worn cameras surveys to study the relationship between body-worn cameras and these outcomes. As additional data on body-worn cameras become available in future years, BJS would replicate this analysis with new data.

CRIME DATA REPORTING

Question. How many States report National Incident-Based Reporting System (NIBRS) data to the FBI?

Answer. The FBI has certified 33 State Uniform Crime Reporting (UCR) Programs as NIBRS-certified. These 33 States are divided into two groups:

—In the first group of 16 States, labeled "complete reporting States," all the State's law enforcement agencies that have an associated population report NIBRS data to the State's NIBRS-certified UCR program. Actual reporting rates by these agencies vary over time.

—In the second group of 17 States, the State UCR program is certified to report data to NIBRS, but not all of the State's local law enforcement agencies submit incident-based data.

The remaining 17 States and the District of Columbia do not have a NIBRS-certified component to their State-level UCR program. Fifteen of the 17 States report only to the FBI's Summary Reporting System (SRS), and two of the 17 have no State-level UCR program at all (Indiana and Mississippi). https://www.fbi.gov/about-us/cjis/ucr/nibrs/2013/resources/nibrs-participation-by-state.

While currently more than 6,500 local law enforcement agencies participate in NIBRS, these agencies cover about 31 percent of the resident population in the United States.

Question. What is the average annual IT operation and maintenance cost for States to submit Uniform Crime Report (UCR) data to the FBI? What is the estimated cost for a State to also submit NIBRS data to the FBI?

Answer. BJS is not aware of any estimates for the costs for States to submit UCR data. The costs vary by State based on their collection and reporting levels as well as their population size. Each State also pays for the costs in different ways.

While there are costs to the States, the majority of the costs associated with collecting, coding, analyzing, and submitting NIBRS data to UCR State programs fall to the local law enforcement agencies that collect and submit their crime data to the State.

It is not necessary for each State to submit NIBRS data in order for BJS to generate nationally representative incident-based data. BJS and the FBI created the NCS–X program to recruit the scientifically determined sample of 400 additional law enforcement agencies into NIBRS which, combined with the currently participating NIBRS agencies' data, will produce nationally representative crime estimates. Currently more than 6,500 law enforcement agencies submit NIBRS data to the FBI, which is approximately 40 percent of the Nation's law enforcement agencies. When completed, nationally representative NIBRS data will increase our Nation's ability to monitor, respond to, and prevent crime by allowing NIBRS to produce timely, detailed, and accurate national measures of crime incidents.

The costs for the States are small by comparison to the costs to the local law enforcement agencies. Below is a chart outlining the total estimated costs of $112 million for the NCS–X program:

Project Component	Total Cost	Deliverable/Outcome
State UCR Program Support.	$11.4 million	Establishing new NIBRS-certified reporting components in 17 States; expanding capacity for receiving and processing NIBRS data in 16 States. Costs for States may range from less than $100,000 to over $1 million depending on their needs.
Training support for local agencies.	$11.0 million	Funding to support agency-specific training on data entry, coding, and quality assurance—cost per agency often dependent on volume of incidents handled, type of RMS data structure, point of entry for data, and agency-specific review processes.
Training on NIBRS	$4.0 million	Funding to support the development of NIBRS training, for use by both local agencies and State UCR programs—this training would build on training already conducted by the FBI CJIS UCR staff, and would include a Web-based component.

Project Component	Total Cost	Deliverable/Outcome
Support to the 400 local law enforcement agencies in the NCS–X sample.	$85.6 million	Conversion of the sample of 400 agencies to NIBRS reporting; generation of nationally representative estimates of crime based on the attributes of the offenses It is possible that some funds may be allocated for crime analysis training needs as well as for Web tool updates (e.g. with socio-economic data, NIBRS, and other data). Costs for law enforcement may also range from less than $100,000 to over $1 million depending on their needs.

These costs were estimated based on information gathered from State UCR programs, from the 400 sampled agencies via a survey about reporting capacity conducted in 2014, and feedback from service providers who implement and support record management systems for local law enforcement agencies and State UCR programs.

The amount of hardware or software needed to support a local agency in reporting incident-based data in the NIBRS format varies by agency and across States, depending on the incident-based data structure required by the State (if any), the volume of incidents handled by the local agency, the type of record management systems and other databases used by the agency, the point of entry for the data, and other agency-specific factors.

Question. What is the Justice Department doing to get more State and local law enforcement to report on data like officer related shootings?

Answer. The Department of Justice's only current source of such data is the FBI's Supplementary Homicide Report (SHR), which:

—captures only voluntary reports by law enforcement of the deaths they deem to be "justifiable homicides."
—does not capture arrest-related deaths attributed to suicide, intoxication, accidents, or natural causes, or homicides that were not deemed "justifiable."
—does not capture additional details about the incident, such as actions taken by both the decedent and law enforcement during the event that caused the death.
—reports data only annually with a 2-year lag.
—is prone to significant error because many agencies do not volunteer to participate.

The FBI Uniform Crime Reporting (UCR) Program recently received approval from the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) to expand their current voluntary data collection to include fatal and nonfatal officer-involved shootings. The current collection of justifiable force by law enforcement is limited to homicide, so this would represent an opportunity to provide a more complete picture for the Nation. At present, the UCR Program is working with representatives from the law enforcement community—including major organizations such as the International Chiefs of Police, National Sheriffs' Association, Major City Chiefs Association, Major County Sheriffs' Association, and the Police Executive Research Forum—to refine the definition and content of this collection.

The work with law enforcement representatives continues to focus on opportunities to improve the amount of information available for officer-involved shootings, as well as increase participation in the existing data collection of justifiable homicide. This information is vital to both law enforcement in order to inform policies and training on use of force, and to the communities that they serve in order to increase transparency and demonstrate the principle of procedural justice.

BJS is undertaking methodological research to improve the collection of data under its Arrest Related Deaths (ARD) Program, through which it aims to capture data on all deaths in the process of arrest and respond to the Deaths in Custody Reporting Act (Public Law 113–242) request for such data.

BJS collected data on deaths in the process of arrest under its ARD program beginning in 2003 but temporarily suspended data collection in 2014 because BJS did not have the necessary resources to ensure the accuracy and reliability of the data.[1] At that time, BJS evaluated the extent to which ARD and the FBI's Supplementary

[1] BJS was using approximately $250,000 per year to operate the program during that time.

Homicide Report obtained data on all justifiable homicides and homicides by law enforcement officers. In March 2015, BJS reported that both the ARD and the FBI's Supplementary Homicide Report were undercounting arrest-related deaths by half of the expected number. The BJS reports can be found at: http://www.bjs.gov/content/pub/pdf/ardpatr.pdf and http://www.bjs.gov/content/pub/pdf/ardpdqp.pdf.

BJS has been testing new methodologies to improve the collection of ARD data and will have results by early 2016. The methodologies involve a combination of "open source" (such as Web searches, news accounts, etc.) for cases of deaths to be investigated further and direct survey of law enforcement agencies, medical examiners offices, and other State-level offices that investigate officer related shootings, to obtain data to confirm the facts surrounding a death. The methodology also provides a basis for auditing the completeness of the records submitted to BJS by law enforcement. BJS has started collecting data, will evaluate the quality (coverage and accuracy) of the data it collects, and use the results of this methodological research to implement improvements to its ARD Program.

These new methodologies will be used to implement an ongoing, continuous data collection that identifies and validates eligible cases of arrest-related deaths and minimizes the number of such deaths that are not reported to the program.

QUESTIONS SUBMITTED BY SENATOR SUSAN M. COLLINS

GUANTANAMO BAY DETAINEES

Question. If Gitmo were closed, what is the administration's plan for dealing with detainees who fit in this category?

Lead-in information from original document.—

> The administration has said that there are 37 detainees held at Guantanamo Bay who are in preventive detention because they are too dangerous to release, but who will not be tried in a military tribunal or an Article III court. The President's plan to close Guantanamo Bay is unlikely to succeed without a plan to deal with these detainees.

Answer. The closing of the Guantanamo Bay detention facility remains a top administration priority and a national security imperative. The facility's continued operation undermines our standing in the world, damages our relationship with key allies and partners, and emboldens violent extremists while at the same time draining hundreds of millions of dollars each year that could be better spent on other national security priorities. Accordingly, the administration is currently finalizing a draft plan to close the Guantanamo Bay facility, which will include addressing detainees who remain too dangerous to transfer or release but who will not be tried. Those detainees will remain eligible for review by the Periodic Review Board, which brings together representatives from the Department of Defense, Department of Homeland Security, Department of Justice, Department of State, Office of the Joint Chiefs of Staff, and Office of the Director of National Intelligence to examine whether, given current intelligence and other information, continued detention remains necessary to protect against a continuing significant threat to the security of the United States.

TRANSFER OF FOREIGN DETAINEES

Question. If the administration's plan is to transfer foreign detainees in preventive detention to the United States, does the administration believe it has sufficient legal authority to indefinitely detain foreign nationals in the United States under the law of war without jeopardizing the lawfulness of their detention?

Answer. Current statutory bars exist on the expenditure of funds for purposes of detaining Guantanamo detainees in the United States. In *Hamdi v. Rumsfeld,* however, the Supreme Court held that the Authorization for the Use of Military Force of 2001 authorizes the indefinite detention of enemy combatants in the United States, while active hostilities under the AUMF continue. As periodically reported to Congress consistently with the War Powers Resolution, the United States is engaged in active hostilities under the AUMF in various countries.

QUESTIONS SUBMITTED BY SENATOR MARK KIRK

CELL PHONES IN PRISON

Question. In 2013, 2,916 contraband cell phones were recovered in Bureau of Prisons facilities, including 1,083 recoveries from secured facilities. What is the Department of Justice's (DOJ) strategy to achieve a total communications blackout in Federal prisons to stop incarcerated gang members from communicating with outside criminal organizations? What resources are necessary to achieve such a blackout, and what legal hurdles, if any, should Congress consider in addressing this issue?

Answer. The financial resources necessary for DOJ to achieve such a total communications blackout are significant. As of May 2015, BOP conducted a cost estimate for implementing a cellphone detection solution at a "representative BOP facility." While no two sites are exactly the same, there are three general location classifications for testing: an institution in a rural location, an institution in a light urban area, and finally, an institution in a metropolitan location. Each context has its own unique set of challenges and concerns. By grouping sites in this manner, and using Managed Access Systems (MAS) as the technology solution, BOP can provide a gross estimate of the required pre-deployment efforts to modify the facility infrastructure, deploy system electronics, and sustain the capability with a focus on efficacy, affordability, and maintainability. The current estimated cost to implement a viable cell phone detection technology in these three contexts ranges from $795,000 for a rural site to $3,080,000 for a metropolitan site.

Rural Sites Surveys and Deployments	$795,000–$1,795,000/Site
Light Urban Sites Surveys and Deployments	$1,050,000–$2,050,000/Site
Metropolitan Sites Surveys and Deployments	$2,080,000–$3,080,000/Site

The BOP emphasizes that any MAS solution should augment existing sound correctional procedures and physical security technologies already in operational daily use. There are 121 individual correctional institutions in the Bureau of Prisons; a rough order of magnitude estimate to deploy an enterprise-wide communications cellular device blackout using a managed access solution would be at least $118 million to $239 million or potentially more. It is important to note that it is premature to provide a definitive estimate for the required funding because an RFQ has not been completed and the technology continues to evolve and improve.

The legal hurdles Congress should consider in addressing this issue would be ensuring that legislative barriers to the implementation of such technology do not exist. (For example, laws relating to cellphone monitoring and interception should exclude prison environments.)

NEW TECHNOLOGY TO DISRUPT GANG NETWORKS

Question. Computer programs like Palantir have been successful in mapping terrorist networks in Afghanistan and human trafficking rings in the United States. How do you plan to direct the Department to incorporate new technology into its investigations to map, track and disrupt criminal gang networks in the United States?

Answer. The Department of Justice utilizes a wide array of technologies and techniques to disrupt criminal and gang networks across the Nation, some of which cannot be disclosed in an open setting. One technology that the FBI's Criminal Investigative Division's Violent Crime and Gang Section (VCGS) and the Criminal Intelligence Section (CIS) actively utilize are geospatial platforms to map and plot the density of gang members, their affiliations and track violent crime statistics.

Geospatial maps are further utilized to assist in interpreting cellular data and geospatially plotting the movements of perpetrators and victims of crime. New technologies are also being explored to assist our task forces in exploiting all avenues of criminal behavior, including social media, which is utilized by gangs for recruitment and communication purposes.

Specific advances in technology have been made to enhance surveillance activities by rapidly acquiring GPS and pertinent telephonic information, pen register data, and directly feeding this data to operational field surveillance agents to track and disrupt gang activity. The FBI will continue to explore all avenues, including the acquisition of new technologies, to assist efforts to combat the gang threat.

COMBATTING GANGS

Question. Numerous neighborhoods in Chicago, including the Kenwood and Pullman areas, have been economically stifled by the presence of gangs like the Gang-

ster Disciples. How will you lead the DOJ effort to remove gangs of national significance from these communities?

Answer. The Department is committed to rooting out criminal organizations, including gangs like the Gangster Disciples, from communities that have suffered at their hands, whether through violence, intimidation, addiction, or economic depression. United States Attorneys' Offices around the country work with the Criminal Division's Organized Crime & Gang Section (OCGS) prosecutors who bring specialized knowledge about both the targeted criminal enterprises and a toolbox of laws, tactics, and strategies to dismantle the most nefarious gangs in the United States. These prosecutors have brought sweeping RICO indictments and successful prosecutions against gangs across the country, including MS–13, Latin Kings, Imperial Gangsters, Aryan Brotherhood and others.

The U.S. Attorney's Office (USAO) for the Northern District of Illinois is similarly experienced and committed to using all available tools and strategies to eradicate gang violence. The USAO recently created a Violent Crimes section, comprised of prosecutors dedicated to the sole mission of combatting violent crime in the District. The USAO is working closely with State and local prosecutors and law enforcement agencies, including the Cook County State's Attorney and Chicago Police Department, to ensure a coordinated approach to target gang violence, including through its Organized Crime and Drug Enforcement Task Force strike force. Recently, the USAO charged the patriarch of a Gangster Disciples faction and 34 other defendants who allegedly sold heroin and crack cocaine on Chicago's west side. The USAO has also brought a racketeering conspiracy prosecution that alleges murders, attempted murders, solicitation to commit murder, robberies and the operation of a drug trafficking organization against nine members of the Hobos Street Gang, a tight-knit, violent crew who banded together from factions of the Gangster Disciples and Black Disciples street gangs. Moreover, the USAO has obtained strong sentences against high ranking gang leaders in Chicago including: in April 2015, against a high-ranking Black Disciples leader sentenced to 15 years in prison; in September 2014, against a high-ranking Traveling Vice Lords leader sentenced to 35 years in prison; and in 2012, against the highest-ranking leader nationwide of the Latin Kings sentenced to 60 years in prison, the statutory maximum, after being convicted at trial under RICO and other charges. The Department will continue its efforts to stem violence in Chicago and elsewhere through such vigorous prosecutions using all the tools at our disposal.

The Violence Reduction Network (VRN) has been working with the City of Chicago extensively since the VRN was launched in September 2014 by former Attorney General Eric Holder. The VRN is a partnership across the Department of Justice that seeks to leverage programmatic and Federal law enforcement training and technical assistance resources to support cities with sustained high rates of violence.

Although the City of Chicago has not requested assistance with gang intervention or prevention, we are available to assist. The VRN can support advanced gang training for the Chicago Police Department. We can work with the Federal Bureau of Investigation (FBI) National Gang Intelligence Center (NGIC) to provide gang training on investigative and prosecution strategies to include creation of a regional gang threat assessment that would describe the gangs that are active in Chicago, their behaviors, size, organization structure, etc. FBI is a critical partner in VRN efforts to enhance public safety in our sites.

MONITORING SOCIAL MEDIA FOR THREATS

Question. Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building on North Michigan Avenue. Will you direct the Federal Bureau of Investigation to hire more Arabic-speaking investigators to effectively monitor social media for threats against U.S. cities?

Answer. In an effort to address the Arabic language needs of the FBI, the Bureau's Foreign Language Program pursues a number of initiatives to recruit from ethnic Arabic and heritage speaker communities. The FBI continues to provide training for special agents in Arabic, and has recently renewed an incentive program for foreign language use to develop in-house capacity.

Additional information is classified. The Department will work with the subcommittee to ensure that a response is provided in an appropriate manner.

SHUTTING DOWN HUMAN TRAFFICKING WEB SITES

Question. Online classified Web sites like backpage.com continue to facilitate prostitution and human trafficking. How will the Department of Justice shut down these Web sites and prosecute individuals that aide and abet sex traffickers?

Answer. The Department shares Congress' grave concerns about the role of Web sites in the commercial sexual exploitation of minors. The Department has vigorously pursued sex traffickers, including those who use the Internet to illegally exploit minors, and thoroughly investigates Web sites that may be aiding and abetting child sex trafficking.

As a general matter, any prosecution of an online classified Web site operator specifically for advertising child sex trafficking would require the Government to prove beyond a reasonable doubt that the Web site operators actually knew that a particular advertisement that they accepted offered sex with a child. Sufficient evidence of a crime against children is not indicated, however, where an advertisement on its face is for a legal service offered by someone who appears to be an adult.

Where evidence of criminality exists, the Department will aggressively investigate and prosecute using all appropriate statutes. The recent prosecution of the owner and operator of myRedBook.com and sfRedBook.com exemplifies the Department's determination in this regard. In June 2014, the FBI seized the Web sites. Eric Omuro, the owner of the sites, and one of his employees were arrested. Both pleaded guilty to using a facility of interstate commerce with the intent to facilitate prostitution. On May 21, 2015, Omuro was sentenced to 13 months in prison. As part of his plea agreement, Omuro agreed to forfeit more than $1.28 million in cash and property as well as the sfRedBook.com and myRedBook.com domain names.

While the myRedbook.com Web site purported to provide legal services such as "Escort, Massage, and Strip Club Reviews," the evidence showed that it was used to host advertisements for prostitutes, complete with explicit photos, menus of sexual services, hourly and nightly rates, and customer reviews of sex workers' services. Evidence demonstrated that the Web site defined acronyms for sex acts in graphic detail in a "Terms and Acronyms" section and provided a section to review and rate prostitution services, offering special access to the reviews for a fee. If a customer purchased a membership with myRedbook, they received benefits such as early and enhanced access to sex worker reviews, enhanced sex worker review search options, and access to additional VIP forums, among other things. According to an affidavit submitted in connection with the sentencing hearing, the FBI identified more than 50 juveniles who were also advertised on myRedBook for the purpose of prostitution. Furthermore, despite being contacted by the National Center for Missing and Exploited Children (NCMEC) in 2010, myRedBook never registered to participate in the center's CyberTipline, which receives leads and tips regarding suspected crimes of sexual exploitation committed against children, and never communicated with NCMEC.

The prosecution of the operators of myRedbook.com and the shuttering of the Web site demonstrate that the Department will pursue viable prosecutions using existing legal tools, when the elements of the statutes have been met and can be proven in court beyond a reasonable doubt.

USING INNOVATIVE TECHNOLOGY TO COMBAT HUMAN TRAFFICKING

Question. How is the DOJ incorporating the use of new innovative technologies in its strategy to combat human trafficking? How will the Department partner with local law enforcement to deploy these types of technologies and ensure their use?

Lead-in information from original document.—

It is critical that local law enforcement agencies be equipped with the latest innovative technologies to combat trafficking and rescue victims. The Web-based software called Memex, which was developed by the Defense Advanced Research Projects Agency (DARPA) and recently used in New York City, is one such example.

Answer. Through the Bureau of Justice Assistance (BJA)-funded Human Trafficking Advanced Investigators training, human trafficking investigators are exposed to a variety of technological tools and resources that can be used in their efforts to combat human trafficking. Human Trafficking Law Enforcement Task Force grantees are permitted to purchase investigative tools and technology with grant funds and use grant funds to attend trainings on the use of such investigative tools. BJA will ensure that the new Human Trafficking Law Enforcement Training and Technical Assistance provider (being funded with fiscal year 2015 funds) promotes the use of Web-based software for human trafficking investigative purposes in the technical assistance provided to task forces.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds the Internet Crimes Against Children (ICAC) Task Force Program. The 61 ICAC task forces focus on all forms of technology-facilitated crimes against children, including child sex trafficking. Through its regularly scheduled meetings with the ICAC task

forces (generally three times a year), OJJDP demonstrates promising investigative tools that each task force can deploy within their own jurisdictions. For example, last fall OJJDP brought in Emily Kennedy (Carnegie Mellon University) to provide a demonstration on her tool "Traffic Jam" (funded in part by DARPA) which mines the deep Web and helps law enforcement identify offenders and rescue victims. OJJDP will continue to ensure that its ICAC task forces are exposed to promising tools and resources that can assist them in their efforts to protect children from online exploitation.

The FBI leads 71 Child Exploitation Task Forces and is associated with over 100 human trafficking task forces and working groups. These task forces and working groups, and vetted technologies, are available to address various forms of human trafficking. In an effort to support law enforcement entities throughout the country, the FBI is currently engaged in a process to enhance the Innocence Lost Database (ILD) to automate the analysis of various governmental, non-governmental, and open source data sets in an effort to identify enterprises responsible for the commercial sex trafficking of children. Additionally, the ILD project will incorporate biometric capabilities to more efficiently and effectively identify and recover child victims. In regards to the Memex Project, DARPA has sponsored this initiative in an effort to develop capabilities which identify online indicators of human trafficking. Understanding that technical needs vary from agency to agency, DARPA has designed the Memex Project so that agencies can utilize the independent technical solutions developed by the Memex Project team. The FBI collaborates with the Memex Project team to share best practices associated with this sophisticated technical development.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

CITIZEN SAFETY

Question. Please explain how you plan to provide our citizens with adequate security when the Department is seemingly focused on implementing our President's unconstitutional immigration directive?

Lead-in information from original document.—

> Your prepared remarks state that your top two priorities are "the safety of our citizens and our national security." In looking at the overall budget request, it's obvious that the Department's priority is immigration, with a 40 percent increase from fiscal year 2015. In comparison, your lowest request for fiscal year 2016, is a 1 percent increase for law enforcement components such as investigating violent crime, trafficking of firearms, international drug trafficking organizations, piracy of intellectual property, and healthcare fraud.

Answer. While the fiscal year 2016 president's budget does include a 38.8 percent increase for the Executive Office for Immigration Review (EOIR), this is predominantly to address the current caseload pending before the immigration courts, which ended fiscal year 2015 with just over 456,500 pending cases. These requested additional resources for EOIR are not tied to the President's immigration executive action from November 2014. The additional funding requested for EOIR in fiscal year 2016 is critical to moving the current caseload through the immigration courts in a timely and efficient manner.

Furthermore, the Department's 2016 request for immigration-related activities is 8.6 percent below the fiscal year 2015 enacted level due to significant decreases to the Bureau of Prisons and the Office of Justice Programs. The President's 2016 budget proposes only slight to moderate increases for immigration activities for Civil Division, Criminal Division, U.S. Marshals Service and Federal Prisoner Detention, and no increase for the U.S. Attorneys for immigration activities.

The Department of Justice's fiscal year 2016 budget request does continue to prioritize resources for national security and cyber security, with increases of $106.8 million to develop the Department's capacity in a number of critical areas including: countering violent extremism and domestic radicalization; counterterrorism; cybersecurity, both domestic and abroad; information sharing and collaboration with the Intelligence Community; and training and technical assistance for our foreign partners. In addition, enhancements of $23 million will support the Drug Enforcement Administration's efforts to combat illicit drugs like heroin and other emerging drug trends. Additional violent crime initiatives that tackle gang violence, crimes against children, and promote gun safety also see increases over fiscal year 2015 enacted levels.

VIOLENCE REDUCTION NETWORK SITES

Question. Is this a program you plan to continue to offer and support? If so, what will you do within the U.S. Attorney's Office to compliment the work of the local and Federal agencies there?

Lead-in information from original document.—

As a response to the violent crime in Little Rock and West Memphis, Arkansas, I understand that both are being considered as VRN (Violence Reduction Network) sites, however, I do not see any funding going to the VRN program.

Answer. Launched in 2014, the Violence Reduction Network (VRN) Initiative synthesizes existing resources from across Department of Justice (DOJ) law enforcement agencies (Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Drug Enforcement Administration (DEA); Federal Bureau of Investigation (FBI); United States Marshals Service (USMS)); and grant program offices (Office of Justice Programs (OJP), Office of Community Oriented Policing Services (COPS), and Office on Violence Against Women (OVW)), with subject-matter expertise from the criminal justice, local government, advocacy, and academic communities; lessons learned from evidence-based violence reduction initiatives; and key data from organizations representing other disciplines, increasing the capacity of local communities to implement data-driven solutions to increase public safety. In addition, the United States Attorneys' Offices are critical partners in the VRN.

The organization and structure of the VRN sites are designed to convene Federal, State, and local law enforcement and key stakeholders in the selected sites around the issue of violence reduction and includes the following:

—United States Attorneys' Offices and local law enforcement leadership serve as the local points of contact and coordinate activities and services for the VRN sites.

—A Strategic Site Liaison (SSL) works with each site to coordinate project services and support enhancement of the site's violence reduction efforts (paid with OJP's training and technical assistance funds).

—A DOJ Program Office Champion from OJP, COPS, or OVW serves as the point of contact for the site to effectively navigate access to DOJ programmatic resources.

—A DOJ Law Enforcement Champion from ATF, DEA, FBI, or USMS serves as the point of contact for the site to effectively navigate access to DOJ law enforcement resources.

—A VRN Analyst, provided by BJA's training and technical assistance (TTA) provider, supports the site's violence reduction efforts (paid with OJP's training and technical assistance funds).

—DOJ law enforcement agencies (ATF, DEA, FBI, USMS) support local violence reduction efforts through their field offices.

Camden, New Jersey, Chicago, Illinois, Detroit, Michigan, Oakland/Richmond, California, and Wilmington, Delaware were the first cities selected to participate in the VRN. In fiscal year 2015, five additional cities were selected to join the VRN, including Little Rock and West Memphis. OJP is working closely with the U.S. Attorneys to discuss the VRN and how it can leverage Federal resources to support Little Rock and West Memphis's efforts to address violent crime.

Although the VRN does not provide direct funding to participating sites, the resources and expertise dedicated to selected communities through this partnership opportunity are substantial. Within the past 6 months, and with the 10 current VRN sites, VRN has successfully delivered on (or is currently coordinating) over 118 resource and training and technical assistance requests; reaching 722 individuals representing over 5,585 training hours.

The VRN complements DOJ's Smart on Crime Initiative. The VRN leverages lessons learned and the vast array of existing resources across DOJ law enforcement and grant-making agencies to deliver strategic, intensive, training and technical assistance in an "all-hands" approach to reduce violence in select cities. Sites identified as candidates for the VRN are cities that have experienced precipitous increases in violent crime and have violent crime rates that exceed the national average. They also represent jurisdictions in different geographic regions with distinctive characteristics, such as multiple Federal initiatives or a unique law enforcement structure. DOJ makes a 2-year commitment to cities selected to join the VRN.

Over the next 2 years, the goal of VRN is to deliver the following to the VRN sites:

—Resources, training, and technical assistance targeted to the sites' most urgent needs.

—A comprehensive and collective understanding of drivers of violent crime within a jurisdiction.
—An in-depth review of technical, legal, and policy-based obstacles to improve information sharing.
—Performance metrics and a sustainability plan to measure success and ensure continued progress through improved operational strategies, training, and policy enhancement.
—A committed focus at the Federal, State, and local levels on the identification of violent offenders and an all-hands approach towards holding them accountable through evidence-based practices and constitutionally based policing.
—A national community of practice around violence reduction.
—A training and technical assistance delivery model for violence reduction to cities across the Nation.

DRUG ADDICTION

Question. What are your enforcement and treatment strategies, such as drug diversion programs, for the growing epidemic of heroin abuse, and do you plan to accomplish these through the 1 percent funding increase you have requested?

Lead-in information from original document.—

Not only in Arkansas, but throughout the Nation, we are seeing a very dangerous addiction become a growing epidemic. This country is now dealing with individuals, from all walks of life and economic groups, who are turning to heroin and other opiates to feed their addiction that was often initiated from an addiction to prescription medicine. Many statistics I have seen discuss the doubling or tripling of heroin users over the past couple years.

Answer. We share the Committee's concerns about the serious threat to our communities posed by prescription drug abuse, addiction, and diversion. The fiscal year 2016 President's budget includes over $8.2 billion for the Department's drug enforcement, prosecution, diversion and treatment efforts, a 5 percent increase over the fiscal year 2015 enacted level. The budget supports a strong response to the uptick in heroin abuse and other emerging drug trends, including additional resources for the Drug Enforcement Administration's (DEA) deconfliction and information sharing to attack the full range of drug trafficking threats. The Department's request also provides increases to thwart international drug trafficking organizations, and supports drug abuse education, prevention, and treatment.

The rise of heroin use and abuse of prescription opioids in the United States are some of the biggest challenges to public health and safety that we are currently facing. With DEA as the lead, and implemented in part through/in conjunction with the Organized Crime Drug Enforcement Task Forces (OCDETF) National Heroin Initiative, DOJ is working to dismantle the heroin supply chain and prevent the diversion of controlled substances. The uptick in heroin use and overdose coincides with the rise of prescription drug abuse.

Law enforcement plays a significant role in combatting the Nation's heroin problem. Heroin availability in the United States has steadily increased over the last few years as Mexican Drug Trafficking Organizations (DTO) have increased their production and trafficking of heroin to the United States. The Southwest Border (SWB) remains a particular concern as it is the most trafficked region in the United States. Based on the 2014 National Drug Threat Assessment, seizures at the SWB are up 160 percent from 2009 to 2013. DEA estimates that South America and Mexico accounted for approximately 96 percent of the heroin in the United States in 2012. DEA also estimates that Mexico's share has been steadily increasing from under 5 percent in 2003 to about 45 percent in 2012.

DEA has opened more than 7,300 Domestic and Foreign investigations related to heroin since 2009. The number of heroin cases opened in fiscal year 2014 accounted for over 13 percent of all cases over that same timeframe. Heroin cases have increased 141 percent from fiscal year 2007 to fiscal year 2014, and 30 percent from fiscal year 2013 to fiscal year 2014. Heroin arrests accounted for more than 16 percent of all DEA arrests in fiscal year 2014, ranking third behind cocaine and methamphetamine. Heroin arrests have increased 96 percent from fiscal year 2007, and increased 15 percent from fiscal year 2013 to fiscal year 2014. fiscal year 2014 was the first year heroin arrests surpassed marijuana arrests.

OCDETF data, which includes many DEA investigations but also investigations led by other Federal law enforcement agencies such as ATF and FBI, also shows an increasing trend of investigations involving heroin, which has recently been on the rise quarterly, and a similar trend in indictments with heroin charges annually. OCDETF investigations involving heroin increased by approximately 20 percent

from the fourth quarter of fiscal year 2013 to the third quarter of fiscal year 2015, rising from 1,211 to 1,440. At the end of fiscal year 2010, 10 percent of OCDETF indictments contained heroin charges, as compared with 15 percent at the end of fiscal year 2015. Currently, 16—or 40 percent—of the Consolidated Priority Organization Targets, the highest level targets in interagency drug enforcement, are involved in heroin trafficking. To combat this serious nationwide threat, OCDETF has adjusted its resources to target these investigations in an attempt to reduce the supply.

In addition to supporting the large volume of traditional OCDETF cases focusing on disrupting and dismantling high-level criminal networks responsible for distribution of heroin in the United States, in fiscal year 2015 OCDETF developed a new national initiative designed to combat the rise in heroin overdoses and deaths in a new way. The OCDETF National Heroin Initiative has two major components: (1) national coordination of, and information sharing in, heroin investigations and prosecutions; and (2) a funding mechanism to support local and regional "outside-the-box" initiatives designed to fill in existing gaps in the development of significant heroin cases.

OCDETF is uniquely situated through its coalition of U.S. Attorneys, Federal agencies, and State and local task force partners to actively engage in the fight against the heroin and opioid epidemics through promoting the goals of collaboration, communication, and interdependent, real-time reporting of cooperation and progress in its ranks. Toward that end, OCDETF worked with the United States Attorney community to designate and fund a full-time Assistant United States Attorney with current expertise in heroin investigations and prosecutions to act as OCDETF's National Heroin Coordinator, detailed to the OCDETF Executive Office since May 17, 2015. Since the appointment of the National Heroin Coordinator, nationwide coordination efforts include:

—Sixteen strategic initiatives have been approved for districts and regions under acute attack from the heroin and opioid epidemics, including Baltimore, Boston, Cleveland, St. Louis, Northern Illinois, Pennsylvania, Virginia, and West Virginia. The OCDETF National Heroin Coordinator works with the funded districts and regions to ensure real-time information sharing, efficient and effective use of resources, and collaboration amongst nontraditional partners, such as State medical examiners, coroners and State health departments.

—Each of the 93 U.S. Attorneys and the regional offices of OCDETF's Federal components have designated points of contact for all heroin and opioid issues.

—OCDETF's National Heroin Coordinator has met with top officials in the Office of National Drug Control Policy, Office of National Intelligence/Information Sharing Environments, Executive Staff of the DEA, the DEA Research Laboratory, and the OCDETF Fusion Center to discuss potential joint efforts against the heroin and opioid threats to the Nation.

—Collaboration is ongoing with Federal Bureau of Investigation regarding emerging heroin threats.

—The OCDETF Heroin Coordinator has attended or will attend Heroin/Opioid Summits in Missouri, Minnesota, Wisconsin, and other States as invited, as well as impacted areas where best practices are being employed in the heroin fight, such as Minneapolis and Boston, so those practices can be memorialized and disseminated for use by law enforcement and prosecutors in the fight against heroin and opioid use and abuse.

—The Coordinator has engaged in extensive briefings with the leaders of New Jersey's cutting edge Drug Monitoring Initiative (DMI) to explore replication of the DMI program in a national level.

—OCDETF will host a national conference in November of 2015 for all U.S. Attorney and Federal agency heroin/opioid points of contact. The conference, entitled "No Boundaries—United in the Fight" will bring stakeholders together for education, sharing of successes and challenges, and exploration of enhanced, proactive best practices in the fight against the heroin and opioid epidemics. Additionally, OCDETF and DEA are working closely to support similar efforts going forward.

As a direct result, local and regional efforts are enhanced by the influx of new ideas and approaches to the common challenges.

To enhance the work already being performed in the field and by the OCDETF National Heroin Coordinator, OCDETF has also dedicated a limited amount of operational funds to support the OCDETF National Heroin Initiative. This funding does not replace or supplement OCDETF's existing base funding that already supports OCDETF-level multi-agency, multi-jurisdictional cases targeting prescription drug abuse or heroin. Rather, OCDETF's National Heroin Initiative provides small amounts of operational "seed money" to help law enforcement agencies and prosecu-

tors work collaboratively to fill existing gaps in intelligence, enforcement activities, and prosecutions that currently hinder the development of single-instance heroin overdose investigations into multi-agency, multi-jurisdictional cases against the criminal organizations with the most impact on our communities. This funding is intended to assist the agencies and prosecution offices with extraordinary expenses that cannot otherwise be funded within currently available resources.

Internationally, DEA's Sensitive Investigative Unit (SIU) program partners with host nations to combat illegal drug trafficking at the source. SIUs comprise groups of host nation investigators that are polygraphed, trained, equipped, and guided by DEA. DEA manages 13 SIUs including programs in Mexico and Colombia, countries with strong links to the U.S. heroin trade.

DEA's Diversion Control Program (DCP) prevents, detects, and investigates the diversion of pharmaceutical controlled substances and listed chemicals from legitimate channels using criminal, civil, and regulatory tools to identify, target, disrupt, and dismantle individuals and organizations responsible for the diversion and illegal distribution of pharmaceutical controlled substances. The DEA believes the increased heroin use is driven by many factors, including an increase in the misuse and abuse of prescription psychotherapeutic drugs, specifically opioids. Part of the DCP's mission is to identify and minimize the diversion of pharmaceutical controlled substance, such as opioids, and Tactical Diversion Squads (TDSs) are one method DEA employs to combat this. DEA's TDSs incorporate the enforcement, investigative, and regulatory skills sets of DEA Special Agents, Diversion Investigators, other Federal law enforcement, and State and local Task Force Officers. As such, the TDSs are DEA's primary method of criminal law enforcement in the DCP. The expansion to 66 operational TDS's in the U.S. has enabled DEA's Diversion Groups to concentrate on the regulatory aspects of the Diversion Control Program. Further, in order to target the most likely offenders of diversion, the DCP has increased the frequency of scheduled investigations registrants in selected business activities.

The Harold Rogers Prescription Drug Monitoring Programs (PDMP) monitor prescription drug sales and also play an important role in identifying doctor shopping and diversion, particularly at the retail level where no other automated information collection system exists. How PDMPs are organized and operated varies among States. Each State determines which agency houses the PDMP; which controlled substances must be reported; which types of dispensers are required to submit data (e.g., pharmacies); how often data are collected; who may access information in the PDMP database (e.g., prescribers, dispensers, or law enforcement); the circumstances under which the information may (or must) be accessed; and what enforcement mechanisms are in place for noncompliance.

DOJ supports more than 2,900 specialty courts that connect over 142,000 people convicted of drug-related offenses with the services they need to avoid future drug use and rejoin their communities. These courts include adult drug courts, veterans' treatment courts, DWI courts and others. DOJ provides financial support, training, and technical assistance to many of these courts annually. DOJ is also urging first responders to carry naloxone, a drug which restores breathing during a heroin or opioid overdose. The Department has created an online tool kit to assist these efforts.

DOJ continues to increase support for drug abuse education, prevention, and treatment through partnerships with doctors, educators, community leaders, and police officials. As directed by Congress, the Department has joined with the Office of National Drug Control Policy to convene an interagency Heroin Task Force to confront this challenge. This Task Force is co-chaired by the U.S. Attorney for the Western District of Pennsylvania and the Office of National Drug Control Policy Deputy Director for State, Local and Tribal Affairs. The Department, DEA, and more than 28 Federal agencies and their components are actively participating on the Task Force. Other participants include medical community, enforcement, public health, and education experts. The Task Force is taking an evidence-based approach to reducing the public health and safety consequences caused by heroin and prescription opioids. We expect the Task Force to submit its comprehensive Strategic Plan to the President and Congress by the end of 2015.

The fiscal year 2016 President's budget would allow DEA to maintain and enhance valuable drug enforcement tools. The request includes funding to expand DEA's case management and deconfliction systems and enhance the IT infrastructure at the El Paso Intelligence Center (EPIC). EPIC's primary mission is to support the law enforcement community through improved information sharing. EPIC funding will provide Federal, State, local, tribal, and international law enforcement agencies with faster responses and improved access to investigative tools. At the request of State and local partners, DEA has instituted a Community of Interest site on the EPIC Web portal specifically for the exchange of information related to her-

oin. The fiscal year 2016 President's budget supports the creation of a new financial investigation unit as part of DEA's Bilateral Investigation Units at the Special Operations Division to enhance DEA's efforts in targeting the financial networks of foreign-based drug traffickers. In addition, the fiscal year 2016 President's budget requests funding to sustain and further develop the capacity and capabilities of existing SIUs. This funding will support training, vetting, program coordination, judicial wire intercept systems and other IT-related requirements. The fiscal year 2016 budget also includes increases for grants to help State and local governments develop residential substance abuse treatment programs and maintain community-based aftercare services for offenders.

CYBER SECURITY

Question. How does the department plan to utilize the requested $106.8 million increase to handle our Nation's cyber security breaches, especially the cyber hacking led by ISIS?

Answer. The response to this question entails classified information. The Department will work with the subcommittee to answer this question in an appropriate manner.

ASSETS FORFEITURE FUND

Question. Can you please explain whether you believe the Civil Asset Forfeiture program needs to be reformed, and if so, how? Can you also put Civil Asset Forfeiture into perspective for me, by telling me how many seizures are legitimate and how many are not? How many individuals have made claims for their property in comparison to how many have not, and would that help to indicate how many people are actual "victims" of this program?

Lead-in information from original document.—

> I would like to talk about Civil Asset Forfeiture for a minute. I hear that civil asset forfeiture is a slush fund for law enforcement and that innocent individuals are being robbed of their property and money. I also hear that the funds augment law enforcement agencies discretionary budgets to further target criminal activity. I would like to see some hard figures on this issue so we may better determine how to move forward.

Answer. Asset forfeiture is a critical legal tool that serves a number of compelling law enforcement purposes. The Department is committed to ensuring that asset forfeiture laws are used appropriately and effectively to deprive criminals of the proceeds of their crimes, break the financial backbone of organized crime syndicates and drug cartels, and to recover stolen property that may be used to compensate victims and deter crime.

Civil forfeiture is often the only mechanism by which the Government can take criminally tainted assets out of circulation because criminals often go to great lengths to insulate themselves from the proceeds and instrumentalities of their criminal acts—including by giving those assets for safekeeping to individuals who knowingly accept and retain the criminally tainted property, even though they did not engage in the criminal activity themselves. Civil asset forfeiture is the only avenue to recover proceeds of crime if the criminal is dead, a fugitive, or where stolen artifacts are recovered but no defendant can be identified.

Not only does asset forfeiture deprive criminals of their illicit proceeds, it also enables the Government to compensate victims of crime. In fact, since 2000, the Department has returned over $4 billion in assets to the victims of crime through asset forfeiture, of which $1.87 billion was recovered civilly. In addition, the Department expects to distribute approximately $4 billion in civilly forfeited assets associated with the Madoff fraud scheme. At that point, victim compensation from forfeited funds will far exceed the nearly $5.4 billion of forfeited funds that have been reinvested in law enforcement to fight crime as part of the Equitable Sharing program.

Federal law authorizes the Department to share federally forfeited property with participating State and local law enforcement agencies through a program known as Equitable Sharing. The Equitable Sharing Program was created by Congress, in part to strengthen law enforcement by fostering cooperation among Federal, State and local law enforcement agencies. Once a forfeiture is successfully completed, the Federal Government disposes of the assets and then pays expenses and provides for any applicable victim compensation in a case. Only after these expenses and victim payments are deducted, if there are any remaining proceeds, are funds available for equitable sharing with State and local law enforcement agencies that participated in the underlying law enforcement action that led to the seizure or forfeiture of the asset. The Department has many procedures in place and a host of prohibitions on

how equitable sharing funds may be used to ensure that they supplement but do not supplant the funds allocated to law enforcement agencies by State and local governments.

That said, the Department takes seriously the concerns raised about civil asset forfeiture and has responded with significant, carefully-considered reforms including the prohibition on adoptions (which occur when a State or local law enforcement agency seizes property pursuant to State law and requests that a Federal agency take the seized asset and forfeit it under Federal law) and restrictions on the seizure of structured funds. We are continuing a comprehensive review of the entire asset forfeiture program in order to improve and strengthen it, while preserving the rule of law and the rights of property owners.

Question. Can you also put Civil Asset Forfeiture into perspective for me, by telling me how many seizures are legitimate and how many are not?

Answer. Assets can only be seized by the Government either pursuant to the seizure warrant issued by a judge, or pursuant to an exception to the warrant requirement. In either instance, however, the law requires that there be probable cause linking the asset directly to criminal activity. The probable cause requirement is a core tenet of our legal system and is the very same standard of proof required to place an individual under arrest. The forfeiture process does not allow for the seizure of property in the absence of probable cause.

Question. How many individuals have made claims for their property in comparison to how many have not, and would that help to indicate how many people are actual "victims" of this program? I would like to see some hard figures on this issue so we may better determine how to move forward.

Answer. Civil asset forfeiture is used to recover the ill-gotten proceeds of crime and, in many instances, returning the forfeited funds to victims of crime who have suffered financial losses at the hands of criminals. In the forfeiture process, it is essential that we protect the due process rights of innocent individuals. Recognizing this, Congress put safeguards in place to protect innocent property owners when it passed the Civil Asset Forfeiture Reform Act (CAFRA). These protections are essential to preserve the integrity of the Asset Forfeiture Program and to ensure that individual due process rights are preserved and protected. Even where the Government has borne its burden of proving that property is linked directly to crime, CAFRA allows a property owner to defeat a forfeiture if they can show they are an innocent owner. In such cases, the Government must return the seized assets to the innocent owner, who may also be entitled to attorney's fees.

In the past decade, 1,952 claims have been filed in connection with 48,927 (approximately four percent) assets seized for administrative or civil forfeiture. Of those 1,952 claims, 878 of those assets (approximately 45 percent) have been returned either to the owner or another claimant with a property interest in the asset, such as a lienholder.

AMMUNITION BAN

Question. As the new Attorney General, will you revive this ammunition ban, or attempt to implement any other ammunition ban?

Lead-in information from original document.—

> On February 13, 2015, the ATF released a framework on how they proposed to apply the "Sporting purposes" test to exempt ammunition that they state, qualifies as armor piercing. Although through this proposed framework, ATF would have reversed an exemption that was granted 29 years ago for target shooting ammunition that is popular for use in modern sporting rifles. After public outrage and multiple letters from Congress, ATF withdrew the framework.

Answer. Congress enacted the prohibition on armor piercing ammunition in the Law Enforcement Officer's Protection Act of 1986 (LEOPA). LEOPA provides that all ammunition containing certain specified metals that may be fired from a handgun is defined to be "armor piercing" and prohibits the manufacture and sale of all such ammunition. The statute further provides, however, that the Attorney General may exempt particular rounds of ammunition that otherwise meet the statutory definition of "armor piercing" upon a determination that the round at issue is "primarily intended for sporting purposes." The authority to make exemption determinations has been delegated to ATF.

ATF drafted the proposed framework in response to a large influx of new "sporting purpose" exemption requests and was designed to provide industry and the public with clear, objective guidance on the criteria ATF would apply to those requests. In crafting the criteria for the proposed framework, ATF's foremost obligation was

to ensure that those criteria were consistent with the primary objective of LEOPA—the protection of law enforcement from the threat posed by ammunition used in handguns.

In light of the significant number of comments received, ATF has decided to cease with finalizing the proposed framework. ATF is currently reviewing the comments to inform future steps, if any, and additional process—including public notice and comment—will be afforded prior to any further action. At this time, ATF has no plans to further consider reversing the standing exemption for 5.56 x 45mm rounds of ammunition in M855 and SS1109 cartridges. The process of reviewing and considering the large number of comments received will take time, and I look forward to working with Congress and all interested parties should any further action be proposed.

IMMIGRATION COURT PROGRAM

Question. Your budget request includes a 40 percent increase for improvements to the immigration court system. Could you explain the justification for such a significant increase? Also, could you please share how many immigrant applications are in the current backlog and which cases would be prioritized for adjudication if this amount were authorized?

Answer. The Executive Office for Immigration Review's (EOIR) fiscal year 2016 budget request is a 38.8 percent increase over fiscal year 2015 enacted levels and includes $124.3 million in program increases. These program increases include additional funds for the following: additional immigration judge teams; immigration court support; legal representation for unaccompanied children; expansion of the legal orientation program; and information technology modernization. These program enhancements will provide EOIR funding to increase staffing to more rapidly address the large volume of pending cases and will increase the efficiency of the courts through increased representation and updated electronic and communication efforts. Specific information about each of EOIR's requested program increases follows.

—*Immigration Judge Teams/Immigration Court Support.*—The fiscal year 2016 budget request includes $60 million to add 55 Immigration Judge Teams, and $1.3 million to add 15 attorneys to support the agency's mission by supporting the immigration judge corps and providing legal assistance with immigration matters before the courts. These two program increases are necessary to provide sufficient resources to adjudicate the cases before the immigration courts. Cases received at EOIR are inextricably tied to Department of Homeland Security (DHS) enforcement efforts. As DHS places more individuals into proceedings before EOIR, the number of adjudicators must increase in order to address new cases as well as the pending caseload. These increased funds will provide EOIR the resources to hire additional immigration judges and provide those immigration judges with the necessary staff support and work space to adjudicate cases.

—*Legal Representation for Unaccompanied Children.*—The fiscal year 2016 budget request includes $50 million in 2-year funding for the legal representation of unaccompanied children. When unaccompanied children have legal representation from the beginning of their immigration court proceedings, we expect that immigration courts will be able to reduce the number of continuances granted for the purpose of obtaining counsel, preparing any applications for relief, and gathering evidence. In addition, counsel can facilitate court proceedings, resulting in faster hearings and earlier identification of relevant legal issues. All of these factors will assist in reducing EOIR's case backlog while providing efficient adjudicatory proceedings.

—*Legal Orientation Program (LOP).*—The fiscal year 2016 budget request includes $10 million for the expansion of the LOP. This requested increase will expand the successful LOP and continue to improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall immigration proceeding process. Independent research and evaluation reports have shown that LOP participants complete their immigration court cases in detention an average of 12 days faster than detainees who do not participate in an LOP. The requested additional funding will respond to elevated demand at existing DHS sites and enable LOP to add additional sites.

—*Information Technology Modernization.*—The fiscal year 2016 budget request includes $3 million for information technology modernization to provide an update to EOIR's electronic systems, improving the efficiency of processing case materials and other data communication efforts. This program increase will go towards the planning and development of updates to improve EOIR's electronic

systems. The improvement of EOIR's court and case management systems will enhance EOIR's ability to meet core mission functions by increasing efficiencies and allowing more staff time to focus on EOIR's adjudications and other responsibilities. An update of EOIR's electronic systems will also allow for better communications with DHS law enforcement entities currently using EOIR case information.

Regarding the pending caseload, as of September 30, 2015, EOIR had 456,500 proceedings pending before the immigration courts. Per the June 2014 Presidential directive to process priority cases as fairly and as quickly as possible, EOIR realigned its adjudicative priorities, and refocused EOIR's immigration court resources. In July 2014, EOIR added new priorities to its pre-existing priority for detained cases. EOIR's priority cases now include those individuals whom DHS has identified as recent border crossers who are unaccompanied children, adults with children in detention, adults with children released through Alternatives to Detention (ATD), and other individuals in detention.

LEGAL ORIENTATION PROGRAM

Question. Is the department intending to use the LOP authorized funds to provide work authorization to those afforded deferred action by the President's executive order?

Lead-in information from original document.—

I understand the Legal Orientation Program operates utilizing nonprofit legal service agencies to provide information to immigrant detainees to assist in their removal process. Please describe how this program has been successful and explain why you are requesting an additional $116 million to support this program.

Answer. The fiscal year 2016 budget request includes an additional $10 million, not $116 million, to expand the successful Legal Orientation Program (LOP). EOIR has carried out the LOP since 2003 and, by fiscal year 2014, the LOP was able to serve roughly one-third of all detained aliens in immigration court proceedings. Through the LOP, representatives from nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals.

This requested increase of $10 million will expand the LOP and continue to improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall immigration proceeding process. Research and evaluation reports show that LOP participants complete their immigration court cases on average 12 days faster and spend on average 6 fewer days in ICE detention than detainees who do not participate in an LOP. The LOP is currently in 30 locations, 28 of which are ICE detention facilities.

LOP funds have not and will not be used to provide work authorization to those afforded deferred action by the President's executive order. The LOP does not provide legal representation, and the DOJ has no intention of changing this policy in the future. The LOP assists individuals representing themselves pro se by helping them understand the various legal options available to them and, where available, referring individuals to pro bono counsel, not funded under the LOP. The LOP provides information on legal options that may be available to detainees, it does not provide any direct assistance in carrying out those options. Thus, while an LOP provider may explain what deferred action is, and may explain what is required to gain work authorization, the individual would need to seek those actions on their own or through the use of counsel that is separate and distinct from the LOP contract.

CONVICTED FELONS POSSESSING FIREARMS

Question. Is that the case? Who sets the thresholds? Can you tell me what the threshold is for a convicted felon in possession of a firearm in Arkansas?

Lead-in information from original document.—

In my research, I have learned that prosecuting convicted felons in possession of a firearm is a major factor in combatting violent crime, by taking these armed criminals off the street, often before they commit more acts of violent crime. I also understand that the U.S. Attorney's Office across the country has established certain thresholds that have to be met prior to accepting these cases.

Answer. All United States Attorneys' Offices (USAOs), including those for the Eastern and Western Districts of Arkansas, carefully review the acceptance of potential firearms cases in light of the guidelines set forth in the *Principles of Federal*

Prosecution. These principles require USAOs to consider whether a substantial Federal interest would be served by prosecution and whether a potential defendant is subject to effective prosecution in another jurisdiction. The USAOs evaluate the facts and circumstances on a case by case basis. In Arkansas, neither United States Attorney's Office has a threshold for acceptance of felon in possession cases. All felons found in possession of firearms are potentially subject to Federal prosecution. Practically speaking, this usually involves a discussion among Federal, State, and local prosecutors and law enforcement about the most appropriate venue for prosecution.

When considering these principles, USAOs assess, among other things, Federal law enforcement priorities; the nature and seriousness of the offense; the potential defendant's culpability; the strength of the evidence that would be admissible in court; a potential defendant's criminal history; the probable sentence or other consequences if the person is convicted federally as opposed to locally; the strength of the other jurisdiction's interest in prosecution; the other jurisdiction's ability and willingness to prosecute effectively; and the effectiveness of potential non-criminal sanctions.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

BORDER TUNNELS

Question. What changes would you recommend that Congress make in order to strengthen this legislation and more effectively address this issue?

Lead-in information from original document.—

Since 2001, U.S. Customs and Border Protection has discovered at least 170 tunnels along the Southwest Border originating in Mexico and ending on the U.S. side of the Border, predominantly in California and Arizona. In the last 2 months, U.S. Customs and Border Protection discovered three tunnels leading from Mexico to Calexio and San Diego. I authored two bills that were signed into law in 2006 and 2012 to provide law enforcement and prosecutors with additional tools to investigate illegal tunnel activity and prosecute those responsible, including landowners who allow others to construct illegal tunnels on their land. However, it is my understanding that U.S. Attorneys are not bringing charges against individuals under the tunnel statute because they are having difficulty proving that the property owner knew about the tunnel. In fact, since 2011, the San Diego Tunnel Task Force has only successfully arrested and indicted two individuals using this legislation.

Answer. We appreciate your efforts to help combat crimes committed through the use of border tunnels. We have many available statutory tools depending upon the nature of crime related to a border tunnel. Often, the Controlled Substances Act is the best mechanism as it provides stiff penalties for drug crimes, which can include the use of border tunnels. In addition, some defendants have prior drug trafficking convictions and/or are career offenders, making their sentence exposure more significant when they are charged with crimes other than 18 U.S.C. § 555. To the extent the Department identifies additional statutory tools needed to address border tunnels, we would welcome the opportunity to work with you and your staff.

Question. How can we better ensure that property owners or renters on the U.S. side of the border who allow others to construct illegal tunnels on their property are brought to justice?

Lead-in information from original document.—

Since 2001, U.S. Customs and Border Protection has discovered at least 170 tunnels along the Southwest Border originating in Mexico and ending on the U.S. side of the Border, predominantly in California and Arizona. In the last 2 months, U.S. Customs and Border Protection discovered three tunnels leading from Mexico to Calexio and San Diego. I authored two bills that were signed into law in 2006 and 2012 to provide law enforcement and prosecutors with additional tools to investigate illegal tunnel activity and prosecute those responsible, including landowners who allow others to construct illegal tunnels on their land. However, it is my understanding that U.S. Attorneys are not bringing charges against individuals under the tunnel statute because they are having difficulty proving that the property owner knew about the tunnel. In fact, since 2011, the San Diego Tunnel Task Force has only successfully arrested and indicted two individuals using this legislation.

Answer. If we have evidence that property owners or renters on the U.S. side of the border "knowingly" or "recklessly" allow others to construct illegal tunnels on their property, then we can charge them under section (b) of 18 U.S.C. § 555. However, absent some corroboration from a cooperator, an admission by the defendant, or actually finding the owner or renter at the tunnel, prosecutors often face evidentiary issues in criminal cases against the landowners or renters.

There are no civil penalties for land owners who "negligently" or "acting in reckless disregard" allow the rental of their commercial warehouses or family residences to be used for construction of tunnels. Many commercial warehouses in San Diego and Imperial County have absentee owners who use local management companies to rent their warehouses. Establishing civil penalties within this statute would place the landowners on notice and liable—in a civil setting—to make sure that they are renting to legitimate companies and individuals.

COMMUNITY POLICING

Question. With the funding you have requested, how do you intend to encourage local law enforcement to engage in community policing and to model best practices for these communities?

Lead-in information from original document.—

Over the past several months, we have seen protests over the deaths of unarmed men, many of them African-American. Some of these protests have turned violent. It is apparent that, in some communities, relationships between community members and law enforcement are not strong enough, leading to suspicion and mistrust by both police and residents.When protests do occur, we often see a line of heavily armed officers on one side, and protesters on the other. I believe that the Department of Justice must use its bully pulpit and the Federal grant funding it provides to local jurisdictions to reinvigorate community policing nationwide.

Answer. The Department leverages multiple programs and approaches to strengthen community policing and the vital trust among law enforcement officers and the communities they serve. When these bonds are strong, our crime prevention efforts are more successful; incidents are more likely to be reported and addressed; and police are more likely to have the support they need to do their jobs safely and effectively. The fiscal year 2016 budget includes funding to initiate initiatives specifically cited in the President's 21st Century Policing Report, like data collection and statistical analysis of crime incidents, and training and technical assistance for law enforcement and public defenders. In addition, resources are provided for the administration's Community Policing Initiative for programs aimed at promoting restorative and procedural justice, reducing implicit bias, and supporting racial reconciliation and outreach efforts.

Office of Community Oriented Policing Services (COPS)

The mission of the COPS Office has always been to advance public safety through community policing. With the funding appropriated to the COPS Office in fiscal year 2015, the COPS Office funded several field-initiated projects based on key topics and recommendations outlined in the final report of the President's Task Force on 21st Century Policing, which will continue throughout fiscal year 2016.

The Task Force on 21st Century Policing was created to strengthen community policing and trust among law enforcement officers and the communities they serve—especially in light of recent events around the country that have underscored the need for and importance of lasting collaborative relationships between local police and the public. It was established by the President on December 18, 2014 and included law enforcement representatives, community leaders, young adults and notable scholars—who examined, among other issues, how to strengthen public trust and foster strong relationships between local law enforcement and the communities that they protect, while also promoting effective crime reduction.

Through the President's Task Force on 21st Century Policing Field-Initiated Projects, the COPS Office invited applicants to offer innovative ideas to advance a set of the recommendations of their choosing. Projects include demonstration sites, promising practices assessments, guidebook development, and training and technical assistance.

Through the COPS MicroGrant Initiative for Law Enforcement, the COPS Office funded nine law enforcement agencies to develop demonstration sites or pilot projects that may focus on implementing specific recommendations in the report (e.g., enhancing partnership development, improving problem-solving activities, or supporting organizational changes).

The COPS Office will support convenings on topics that advance the implementation of the Task Force's recommendations through its *Community Policing Emerging Issues Forums*. Each convening will result in a publication that provides background information on best practices and the state of knowledge on that topic, as well as considerations, recommendations, and guidance to the field as we build consensus for a path forward.

The COPS Collaborative Reform Initiative for Technical Assistance (CRI–TA) is designed to improve trust between law enforcement agencies and the communities they serve by providing a means for organizational transformation through an analysis of policies, practices, training, tactics and accountability methods around specific issues, all of which are strongly linked to the foundational pillars of and recommendations within the Task Force Report. CRI–TA will be expanded to require procedural justice and implicit bias training for all selected sites and, in fiscal year 2015, an additional five sites were selected to participate in the Collaborative Reform process based on selection criteria consistent with the principles within the Task Force report. The experiences that those agencies go through in transforming their policies, procedures, training, accountability mechanisms and community trust building will serve as a model for the rest of the profession, and will be disseminated through a series of reports that will offer a roadmap for change for agencies interested in replicating those organizational change efforts.

The COPS Hiring Program (CHP) provides funding for the hiring and rehiring of entry-level policing capacity and crime prevention efforts. In fiscal year 2015, the COPS Office gave additional consideration to applicant agencies that selected the category of "Building Trust," and those agencies were encouraged to refer to the Task Force report for suggested actions to incorporate into their proposed community policing strategies. In fiscal year 2015, 83 agencies that selected "Trust Problems" received funding for 365 officers. CHP is the COPS Office's largest grant program, and provides funding directly to State, local and tribal law enforcement agencies to hire and rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts.

With support from the COPS Office, law enforcement focused organizations will develop national-level, industry-wide projects for several of the pillars outlined in the Task Force report. Supported activities will include the creation of positive and meaningful engagement opportunities between law enforcement and youth, identification of best practices for engaging the community in the mutual responsibility of public safety, exploration of the circumstances and causality behind documented line-of-duty injuries, and promotion of officer safety and wellbeing.

Office of Justice Programs (OJP)

Community Policing—Smart Policing Initiative.—Community engagement is a central principle of the Smart Policing Initiative (SPI), administered by the Office of Justice Program's Bureau of Justice Assistance (BJA). SPI supports law enforcement agencies and represents a strategic approach that brings more science into police operations by leveraging innovative applications of analysis, technology, evidence-based, data-driven practices, and improving performance and effectiveness while containing costs—an important element in today's fiscal environment. BJA currently has several projects underway that are testing innovative approaches to building such partnerships and trust between police and the communities they serve.

Community Policing—Project Safe Neighborhoods.—Most of the Project Safe Neighborhoods (PSN) strategies submitted contain some form of community policing as part of their overall gun and gang violence reduction efforts. PSN is designed to create safer neighborhoods through a sustained reduction in crime associated with gang and gun violence. The program's effectiveness is based on the cooperation of local, State, and Federal agencies engaged in a unified approach led by the U.S. Attorney (USA) in each district. The USA is responsible for establishing a collaborative PSN task force of Federal, State, and local law enforcement and other community members to implement gang and gun crime enforcement, intervention, and prevention initiatives within the district. Through the PSN task force, the USA will implement the five design features of PSN—partnerships, strategic planning, training, outreach, and accountability—to address specific gun crime and gang violence, in the most violent neighborhoods. These five elements are essential for PSN to be successful.

One of the strengths of PSN is the flexibility that allows PSN task forces to adapt the key components of PSN to the local context. The difference in levels and the nature of gun crime across the 50 States and across the Nation's cities are enormous and require local adaptation. The most common strategies employed by PSN task forces were increased Federal prosecution; joint Federal-local prosecution case

screening; directed police patrol; community policing; chronic violent offender programs; street level firearms enforcement teams; offender notification meetings; re–entry programs; and firearms supply side interventions.

Byrne Criminal Justice Innovation Program.—The Byrne Criminal Justice Innovation Program (BCJI) is designed to help local and tribal communities develop place-based, community-oriented strategies with coordinated Federal support to change neighborhoods of distress into neighborhoods of opportunity. This has consistently been done by sites focusing on public safety as their primary issue, and using innovative criminal justice strategies to address the varying public safety needs of each community. Because BCJI requires cross sector partnerships and is based on the fundamentals of collaboration within a community, community policing is not only encouraged but also built into the concept and execution of this program. The best way to articulate this is through a few examples of sites to date that have been implementing community policing strategies that have had a direct impact on the relationship between law enforcement and the communities they serve.

—*Alameda County, California (Fiscal Year 2014 Planning & Implementation)*.—The Sheriff's Office in Alameda County excels at community-oriented strategies to foster trust in law enforcement and crime prevention. Deputies use theater and other non-traditional approaches to engage residents in discussion about sensitive police-community issues, while the Deputy Sheriff's Activities League (DSAL) provides opportunities for thousands of kids and their families to build community and get to know law enforcement officers in non-threatening settings. More than 1,300 kids and 100 parent volunteers currently participate in the DSAL's Youth Soccer program, for example.

—*Providence, Rhode Island (Fiscal Year 2013 Planning & Implementation)*.—Even as it weathers a significant reduction in force due to budget constraints, the Providence Police Department remains committed to community policing, and has invested heavily in building partnerships with local community development and service organizations which participate in BCJI. In Providence, the community organized the Annual Olneyville Shines Clean-up Day in May 2015, which brought out 120 volunteers including officers. The community also organizes the Olneyville Fall Festival and, for the first time last year, National Night Out, which might become an August tradition.

—The collective efforts have spawned a robust Crime Watch group led by residents in the BCJI target area, and a variety of annual events that bring officers and residents together. Chief Clements also invites community partners to participate in Compstat and command staff meetings to maintain transparency and foster cross-sector problem-solving.

—*Milwaukee, Wisconsin (Fiscal Year 2012 Planning & Implementation)*.—The Milwaukee BCJI effort benefits from explicit programming to foster community-police dialogue and problem-solving, such as the "STOP" (Students Talking It Over with Police) curriculum, which brings police officers together with juveniles in high crime neighborhoods in structured dialogue that yields greater mutual understanding, builds relationships, and seeks to prevent conflict between youth and police on the streets. This program earned the top honor at the International Association of Chiefs of Police conference in fall of 2014.

All the BCJI sites are able to engage one another in peer-to-peer dialogue, which helps to develop their practices and strategies, and enables them to learn from one another in a meaningful way. Each site has developed community policing efforts in a different way, with some innovative approaches to building the relationships between law enforcement and the community. These practices and efforts are shared through our technical assistance provider's Web site and can be used as models for non-BCJI sites throughout the country.

Procedural Justice—Building Community Trust Program.—The Procedural Justice—Building Community Trust Program focuses on enhancing procedural justice, reducing bias, and supporting racial reconciliation in the criminal and juvenile justice systems and furthers the Department's mission to ensure public safety and the fair and impartial administration of justice for all Americans. This program, which will be administered by the Office of Juvenile Justice and Delinquency Prevention, will provide grants and technical assistance to State, local, and tribal courts and juvenile and criminal justice agencies to support innovative efforts to improve perceptions of fairness in the juvenile and criminal justice systems and build community trust in these institutions.

Civil Rights Division

The Civil Rights Division will continue to investigate and, when necessary, prosecute law enforcement officers who engage in excessive force or intentionally violate individual's rights. The Division's civil enforcement work is designed to address sys-

temic problems in police departments by securing agreements with law enforcement agencies that provide for meaningful reform, including community policing requirements. As part of the investigative process, the Division engages with and solicits feedback from the community and works cooperatively with COPS and OJP in facilitating relationship-building between the community and law enforcement. The Division is continually examining its enforcement work to ensure that it is encouraging departments to use the best practices, such as proper use of body-worn cameras and data collection and reporting. To protect individual rights and ensure communities' trust in law enforcement, the Division will continue to commit substantial resources to these important cases.

Community Relations Service

Police-community relations surrounding excessive use of force, and the possibility of racial violence, particularly in minority communities, consumes more than half of the Community Relations Services' work. To meet the demand for tailored services regarding the policing of minority communities, CRS requested 10 positions and $1.2 million for three program increases in the fiscal year 2016 President's budget. The request funds local capacity building to reduce tensions through online resources, allowing CRS to direct its limited resources towards the most vulnerable, highest priority populations ($240,000 for the CRS Training Academy request); provides conciliation services in support of the President's My Brother's Keeper Initiative and the proposal for the National Initiative for Building Community Trust and Justice ($775,000 and 10 positions as part of the Collaborative Community Strengthening Initiative); and funds in-depth consultation and guidance to local law enforcement agencies who are party to potentially violent, public safety degrading conflicts with minority communities ($200,000 for the Law Enforcement Organizational Change Initiative).

LOST AND STOLEN GUNS RIDER

Question. Do you share my view that ATF should no longer be prohibited from requiring gun dealers to conduct regular inventories of their firearms?

Lead-in information from original document.—

On May 2, 2015, a New York Police Department officer, Brian Moore, was shot and killed by an assailant who used a gun stolen 4 years ago from a pawnshop in Georgia. That pawnshop had guns stolen on at least one other occasion, according to press reports. The tragic shooting of Officer Moore highlights a serious problem in our laws. Since 2004, a policy "rider" included annually in appropriations bills has prohibited ATF from requiring that gun dealers conduct an inventory analysis to determine if any guns are lost, stolen, or missing. As a result of this prohibition, guns can be stolen from stores or given to criminals by unscrupulous dealers without ATF's knowledge.

Answer. Some Federal Firearms Licensees (FFLs) do not conduct annual inventory inspections and record reconciliation and, as such, are often unable to account for some of the firearms that, according to their records, are in their custody. Missing firearms for which no record of disposition exists is the most often cited violation during the FFL inspection process. ATF encourages FFLs to conduct annual inventories of their firearms, but cannot require them to do so, and cannot explore possible rulemaking relevant to inventories to enhance timely reporting of lost/stolen firearms. If Congress removed the appropriations restriction, and ATF intended to propose a regulation on this issue, it would do so through the Administrative Procedures Act (APA), which would include opportunity for public comment. ATF believes that public discourse on this issue, through the APA process, is a worthwhile exercise and could help it develop a regulation that would minimize the burden on industry while maximizing its ability to investigate firearms trafficking and streamline the inspection process.

DANIEL CHONG DETENTION BY DEA

Question. The DEA's administrator, Michele Leonhart, is stepping down, effective May 15th. As DEA transitions to new leadership, how will you ensure that the agency does not let an incident like this one happen ever again?

Lead-in information from original document.—

College student Daniel Chong was held in a detention cell at the DEA's San Diego office without food or water for 5 days with his hands handcuffed behind his back. He nearly died. When he was found, he was suffering from dehydration and kidney failure.

Answer. What happened to Daniel Chong is unacceptable. Following the incident, DEA leadership took immediate steps to implement protocols and procedures regarding the monitoring of holding cells and detainees. Furthermore, DEA instituted the recommendations made by the Office of the Inspector General (OIG) in its investigation report before the OIG report was even finalized. DEA took action within 60 days of the incident to ensure that nothing like this ever happens again.

Additionally, as a result of the OIG review, the head of the Department of Justice's (DOJ) Office of Professional Responsibility is examining DEA's processes and procedures for investigating allegations of misconduct as well as its processes for determining and administering disciplinary action when appropriate. Following completion of this review, DOJ will work with DEA to enhance its policies and procedures to ensure that all allegations are thoroughly investigated and that any substantial findings of misconduct are properly addressed.

Question. Will you ensure that DEA responds to congressional inquiries, particularly following such tragedies, in a timely manner?

Lead-in information from original document.—

> Last summer, I sent Administrator Leonhart two letters, expressing my outrage at Mr. Chong's treatment and requesting answers as to how DEA intended to remedy what an Inspector General's report called "systemic deficiencies" that led to Mr. Chong's detention. I have not received any response to my two letters.

Answer. It is important that the Department respond to congressional inquiries in a timely manner. I understand that DEA responded to your letters on June 9, 2015.

Question. Are you confident that DEA has sufficient funding to remedy the deficiencies identified by the Inspector General?

Lead-in information from original document.—

> Last summer, I sent Administrator Leonhart two letters, expressing my outrage at Mr. Chong's treatment and requesting answers as to how DEA intended to remedy what an Inspector General's report called "systemic deficiencies" that led to Mr. Chong's detention. I have not received any response to my two letters.

Answer. Yes. As previously stated, all of the OIG recommendations were in place before the OIG finalized its report. DEA took action within 60 days of the incident to ensure that nothing like this ever happens again. DEA responded to your letters on June 9, 2015.

RESTITUTION FOR TRAFFICKING VICTIMS

Question. What training do prosecutors receive on mandatory criminal restitution for trafficking victims?

Lead-in information from original document.—

> In a letter dated April 20, 2015, Assistant Attorney General Peter Kadzik responded to a letter Senator Portman and I had written to then-Attorney General Eric Holder, urging him to seek restitution for all victims of human trafficking. The Trafficking Victims Protection Act of 2000 (codified at 18 U.S.C. ss 1593) provides that the Federal courts "shall order restitution for any offense" committed under Federal laws that prohibit human trafficking. That law requires the court to order the greater of the calculation of wages owed under the Fair Labor Standards Act or the value of the victim's services to the trafficker. As discussed in the letter Senator Portman and I sent to Attorney General Holder, a recent report by The Human Trafficking Pro Bono Legal Center found that Federal prosecutors did not request restitution in 37 percent of qualifying human trafficking cases that were brought between 2009 and 2012, despite the requirement in Federal law that restitution is mandatory in these cases. Mr. Kadzik stated that, in some instances, there may be "insufficient evidence" to support a claim for restitution, noting that restitution requires "proof that specific harms were caused as a result of an offense" and "evidence establishing the amount of losses incurred or projected to be incurred. "It is clear that many trafficking victims are essentially sold and exploited for profit, and many have significant healthcare needs resulting from their trafficking. One paper produced by the U.S. Department of Health and Human Services stated that a "number of studies have identified the serious and often complex mental health needs of victims of human trafficking." As an example, in one Federal case in which restitution was ordered (United States v. Shelby, Memorandum Opinion,

09–213 (D. D.C. June 13, 2011)), the Guardian Ad Litem appointed to represent the four minor victims in that case concluded that each victim suffered from Post-Traumatic Stress Disorder specifically relating to the victim's experience with the defendant. The statute provides for how losses should be calculated. In addition, to address physical and mental healthcare needs, victims incur costs, either now or in the future, and traffickers must pay for those costs.

Answer. Securing restitution for victims is an essential part of the Department's victim-centered approach to trafficking investigations and prosecutions. The Department provides in-person training and written guidance for United States Attorneys' Offices throughout the country on seeking restitution for victims of trafficking. Restitution is a component of almost all Project Safe Childhood trainings at the National Advocacy Center, and restitution training is presented at national conferences such as the Internet Crimes Against Children Task Force national training for law enforcement and prosecutors. In 2014, for the first time, the Human Trafficking Prosecution course for Federal prosecutors at the National Advocacy Center included a specialized, stand-alone segment on restitution.

The Department has also already issued guidance to the field regarding the new restitution provisions in the Justice for Victims of Trafficking Act, and the Department is currently planning additional trainings for prosecutors on the new enforcement and restitution provisions in the law. The Department's human trafficking prosecutors are also increasingly collaborating with their counterparts in the Asset Forfeiture and Money Laundering Section to more effectively anticipate and address complex issues arising in restitution and forfeiture proceedings.

Question. Are prosecutors instructed that they must seek restitution?

Lead-in information from original document.—

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Answer. Prosecutors are instructed to seek restitution in every case where there is an identifiable victim that suffered a compensable loss, as defined by applicable statutes, as a result of the offense of conviction and where there is available, admissible evidence to support such a request. Securing restitution for victims is an essential part of the Department's victim-centered approach to trafficking investigations and prosecutions.

As indicated in the April 20, 2015 letter from Assistant Attorney General Peter J. Kadzik, there are a number of factors which may impact whether restitution may be ordered. For instance, if victims indicate that they do not wish to obtain restitution from defendants or participate in sentencing or restitution proceedings, the Department respects their decisions. Further, the Department can only proceed where there is sufficient evidence to support a loss calculation for restitution purposes, in-

cluding evidence establishing actual losses as statutorily defined. If necessary evidence is unavailable, there may be no factual basis to support a restitution order.

Question. Has the U.S. Attorneys' Manual been updated to include instructions for seeking restitution under 18 U.S.C. ss 1593?

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Answer. The United States Attorneys' Manual (USAM) directs U.S. Attorneys to seek restitution where appropriate. For example, section 9–16.320 discusses restitution—particularly mandatory restitution—in the context of plea agreements. Section 9–75.500 of the USAM and section 1977 of the Criminal Resource Manual discuss mandatory restitution in the context of sexual exploitation offenses, directing Assistant U.S. Attorneys (AUSAs) that issuance of a restitution order is mandatory. Section 9–27 of the USAM contains the Principles of Federal Prosecution, and directs AUSAs to consider whether restitution has been paid when considering the serious nature of the offense. The USAM does not, and cannot, specifically address restitution for each individual statute in which restitution can be obtained. Nevertheless, the Executive Office for U.S. Attorneys is in the process of drafting guidance addressing § 1593's mandatory restitution provision.

Question. If a victim wishes to obtain restitution from a defendant, what specific problems does the Department face in proving the victim's amount of losses?

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Answer. In addition to "the full amount of the victim's losses," the Trafficking Victims Protection Act (TVPA) restitution provisions require the court to order the greater of the wages under the Fair Labor Standards Act or the value of the victim's services to the trafficker. This requires proof of prevailing wages and hours worked, or alternatively of proceeds generated by a victim for the trafficker's benefit. Other restitution provisions allow recompense for out-of-pocket expenses, such as healthcare costs, if there is adequate documentation. In many instances, there are few if any written records, and victims' recollections can be imprecise due to isolation, trauma responses, the long duration of the offense, and other factors. In addition, a victim may not have been employed (or his or her employment may not have been affected by the offense conduct), and the victim may not have been able to receive medical, therapeutic or rehabilitative services (or may not provide any records reflecting any such services). Other difficulties include victim unavailability and losses attributable to prior trauma.

Question. How do Federal prosecutors have difficulty finding "evidence establishing the amount of losses incurred or projected to be incurred" by trafficking victims?

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Answer. Victims may not remain involved post-trial, and may become unavailable, which may adversely affect the Government's ability to estimate the victim's actual losses with reasonable certainty, and may adversely affect a judge's consideration of a restitution request that is made. In addition, while restitution is sometimes sought for medical or psychiatric care, defense counsel and courts may question whether the loss can be proven to be causally related to the offense, as opposed to

prior or subsequent traumas that are common in the lives of many trafficking victims.

Under the TVPA, a victim of labor or sex trafficking is entitled to, among recompense for other losses, "the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act." However, where the underlying nature of the work is illegal, such as prostitution, victims are unable to benefit from a prevailing wage standard. To remedy this issue, the Department has argued that victims should be compensated based on a theory of unjust enrichment, granting an award in the amount that the defendant(s) profited from exploiting the victim, whether for labor or for illegal commercial sex acts. Under this method, the Department has argued that a victim is entitled to recover the ill-gotten gains the trafficker derived, but not all courts have accepted this legal theory.

Question. Would the Department recommend any legislative changes to Section 1593 to improve its usefulness for trafficking victims?

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Answer. The Department is examining this section to see what legislative changes may help improve 18 U.S.C. § 1593's efficacy in helping trafficking victims.

Question. What steps is the Department taking to ensure that, when restitution is ordered, any assets the defendant forfeited may be used to pay restitution?

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Answer. Returning assets to victims of crime is a priority in the Department of Justice's Asset Forfeiture Program. The Department has returned more than $4 billion in civilly and criminally forfeited funds to crime victims since 2002, with $723 million paid to over 150,000 victims in the last 3 years alone. The Department's human trafficking prosecutors are also increasingly collaborating with their counterparts in the Asset Forfeiture and Money Laundering Section to more effectively anticipate and address complex issues arising in restitution and forfeiture proceedings. The Department also looks forward to employing the new tools provided in the Justice for Victims of Trafficking Act to ensure that forfeited assets of traffickers are/will be used for restitution.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER A. COONS

FBI TESTIMONY

Question. What is the DOJ doing to complete its analysis of cases in which the FBI provided hair analysis testimony, including in those cases where local jurisdictions have not been working cooperatively?

Answer. In 2012, the FBI initiated a comprehensive review of microscopic hair comparison analysis or testimony provided in more than 20,000 cases prior to December 31, 1999, when mitochondrial DNA testing became routine at the FBI Lab. The FBI has completed the review of 98 percent of these cases. The review determines whether the FBI Laboratory analysis revealed a positive association between hair evidence and a known sample. To accomplish this process, which includes identifying cases, locating transcripts, and reviewing and evaluating transcripts and reports, the FBI has used the services of 5 FBI employees full-time, more than 18 FBI employees part-time, and 3 contractors full-time. The Department has been working in cooperation with the Innocence Project (IP) and National Association of Criminal Defense Lawyers (NACDL) in this review.

The FBI reached out nationwide to U.S. Attorneys' Offices, State and local District Attorney Offices and last known defense counsel to obtain transcripts of FBI Hair Examiner trial testimony. The IP and NACDL have also reached out to their contacts to obtain transcripts, which they will provide DOJ and FBI. The FBI anticipates completing its review of all received case transcripts by the end of 2015.

The FBI, IP, and NACDL are developing additional measures to secure transcripts from jurisdictions that have not been responsive to the requests including enlisting the assistance of the State and local prosecutor associations or contracting for the preparation of transcripts of previously un-transcribed testimony.

INACCURATE FORENSIC TESTIMONY

Question. What is the DOJ doing to provide meaningful relief to those convicted on the strength of misstated and inaccurate forensic testimony?

Answer. DOJ reviews requests for relief on a case-by-case basis based on an individual review of all case information. In the event that the prosecuting office determines that further testing is appropriate or necessary, or the court orders such testing, the FBI is available to provide mitochondrial DNA testing of the relevant hair evidence or short tandem repeat (STR) testing of related biological evidence if the testing of hair evidence is no longer possible, if (1) the evidence to be tested is in the Government's possession or control, and (2) the chain of custody for the evidence can be established. In the cases with a positive association, the FBI determines whether the hair examiner involved exceeded the scope of science when the evidence was introduced at trial or to support a plea. In all convictions where a positive FBI hair analysis was used, DOJ will notify the appropriate prosecutor, the defendant,

his/her attorney when possible, the Innocence Project (IP), and the National Association of Criminal Defense Lawyers (NACDL)—whether or not there was a prior error. For example, the FBI reached out nationwide to U.S. Attorneys' Offices, State and local District Attorney Offices and last known defense counsel to obtain transcripts of FBI Hair Examiner trial testimony. The IP and NACDL have also reached out to their contacts to obtain transcripts, which they will provide to DOJ and FBI. The FBI anticipates completing its review of all received case transcripts by the end of 2015.

CONCLUSION OF HEARINGS

Senator SHELBY. Now, the subcommittee stands in recess subject to the call of the chair. The subcommittee is adjourned.

Attorney General LYNCH. Thank you, Mr. Chairman.

[Whereupon, at 12:12 p.m., Thursday, May 7, 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 2016

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 THE 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 2016 budget request for the National Aeronautics and Space Administration (NASA), the National Oceanic and Atmospheric Administration (NOAA), and the National Science Foundation (NSF). The AGU, on behalf of its over 60,000 Earth and space scientist members, respectfully requests that the 114th Congress appropriate:

—$18.91 billion overall for NASA, $5.51 billion for the Science Mission Directorate;
—$5.98 billion overall for NOAA; and
—$7.72 billion overall for NSF.

NATIONAL AERONAUTICS & SPACE ADMINISTRATION

AGU requests that Congress appropriate $18.91 billion for NASA in fiscal year 2016. Additionally, AGU requests that Congress appropriate $5.51 billion for NASA's Science Mission Directorate. These increases represent a 5 percent increase over the fiscal year 2015 appropriated levels.

Despite increases in appropriation, NASA's budget has fallen in real dollars by 10.5 percent since fiscal year 1995. Unless this pattern is reversed, NASA will cede its leadership in the Earth and space science missions and exploration that the U.S. has historically pioneered. A request of 5 percent allows NASA to grow above the rate of inflation.

Within NASA's Science Mission Directorate, AGU requests that Congress set appropriations for the Earth, Planetary, and Heliophysics Divisions that are equitable and in harmony with their respective Decadal studies produced by the National Research Council.

Earth Science and Planetary Science Divisions

Missions within NASA's Earth Science Division aid in flood prediction, earthquake response, and severe storm tracking. Greater knowledge and prediction skills are urgent when we consider the effort, time and costs of protecting infrastructure along coasts, rebuilding fish populations in our seas, developing new water resources for manufacturing and agriculture, and restoring communities in the wake of hazards. These observations, and many others like them, are integral and require the vantage point of outer space.

NASA's Planetary Science Division advances our understanding of the solar system and inspires future generations of scientists. However, with no outer planet missions currently in early-stage development and barring any major funding increase, the U.S. will soon relinquish its presence beyond Mars.

Both areas of science, Earth and planetary, are complementary. The study of the Earth system—Earth's interacting physical, chemical, and biological processes—informs our understanding of other worlds in the solar system, and our exploration of these bodies advance our knowledge of Earth's evolution.

Heliophysics Science Division

Studying the sun and its interactions with Earth is crucial to increasing our knowledge of the dynamic solar processes that impact all life on our planet. This includes advance detection and warning of space weather events, such as solar storms, that have the potential to cause serious damage to our satellites, energy grid infrastructure, and the electronics we depend everyday. The request would ensure continued growth in NASA's work researching these and other interactions between the Sun and the Earth.

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

AGU requests that Congress appropriate $5.98 billion for NOAA in fiscal year 2016. This would be a 9.8 percent increase over the fiscal year 2015 appropriated level for NOAA.

In our 21st century economy, it is vital that NOAA provide the data and insights on our environment that keep Americans safe and prosperous. NOAA's atmospheric and oceanic programs combine cutting-edge research and world-class operational facilities to ensure that the U.S. is a resilient, weather-ready, and sustainable nation. Many sectors of our economy rely on the Agency's satellite programs to provide high quality, uninterrupted data for weather forecasts and on its oceanic program for insights on our environment and the sustainability of our coastal economies.

NATIONAL SCIENCE FOUNDATION

AGU requests that Congress appropriate $7.72 billion for NSF in fiscal year 2016. This would be a 5.2 percent increase over the fiscal year 2015 appropriated level for NSF.

The Foundation is critical to America's ability to compete globally in technological and scientific innovation. Faced with ever-increasing international competition, maintaining U.S. scientific leadership requires continued robust investments in basic research and STEM education. NSF is the only Federal agency that supports research and education across all fields of science, engineering, and mathematics and at all educational levels. Research and education programs supported by NSF help increase and develop the knowledge base needed for pushing the frontiers of science, mathematics, and engineering disciplines, contribute to the development of the future science and technology workforce, underpin new fields of inquiry, and promote interdisciplinary research and education. All of these facilitate technological innovation.

Even under tight budget constraints, it is important for NSF to have steady budget levels that demonstrate real growth. Under constant 2014 dollars, NSF has lost 5.8 percent of its budget from fiscal year 2010 to fiscal year 2014. This stagnant pace of funding is creating an innovation deficit in the U.S.—a widening gap between the actual level of Federal Government funding for research and higher education and what the investment needs to be if the U.S. is to remain the world's innovation leader.

Geosciences Directorate

The Geoscience Directorate awards research in the Earth, atmospheric, ocean, and polar sciences. Much of the geosciences research budget leads to a better understanding of critical national needs, such as water and mineral resources, energy resources, environmental issues, climate change, and mitigation of natural hazards. AGU asks the subcommittee to strongly support these programs.

GEO supports infrastructure, operation, and maintenance costs for cutting edge facilities that are essential for fundamental and applied research. Geoscience-based research tools and academic expertise helped to track and contain the BP *Deepwater Horizon* oil spill, saving billions of dollars for Gulf industries and untold costs to the environment. Among the major infrastructure that NSF supports, the U.S. Arctic and Antarctic Facilities and Logistics, Academic Research Fleet, EarthScope Operations, Incorporated Research Institutions for Seismology (IRIS), the Ocean Drilling Program, the Ocean Observatories Initiative, and the National Center for Atmospheric Research are all key to our Nation's innovation and economic well-being. AGU strongly supports robust and steady funding for this infrastructure as well as operation and maintenance of these major facilities.

Earth Science Education

The geosciences workforce is aging and being quickly depleted. Congress can grow this workforce, stimulate economic growth in the energy, natural resources and environmental sectors, and improve natural resource literacy by supporting the full integration of Earth science information into mainstream science education at the K–12 and higher education levels. AGU strongly supports the new NSF INCLUDES program (Inclusion Across the Nation of Communities of Learners that have been Underrepresented for Diversity in Engineering and Science), the Integrated NSF Support Promoting Interdisciplinary Research and Education program (INSPIRE), the Graduate Research Fellowships (GRF), and the Research Experiences for Undergraduates (REU), and the Faculty Early Career Development Program (CAREER). These programs are effective in building a science and engineering workforce for the 21st century that supports academia, industry, national defense, and Federal and local governments.

PREPARED STATEMENT OF THE AMERICAN GEOSCIENCES INSTITUTE

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year 2016 appropriations for geoscience programs within the subcommittee's jurisdiction.

The American Geosciences Institute (AGI) supports critical Earth Science research conducted by the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), and the National Aeronautics and Space Administration (NASA). Cutting-edge research on the Earth, energy, and the environment has fueled economic growth, mitigated losses, and improved our quality of life. Our Nation needs skilled and innovative geoscientists to help explore, assess, and develop Earth's resources in a strategic, sustainable, and environmentally sound manner and to help understand, evaluate, and reduce our risks to hazards. *AGI recognizes our Nation's financial challenges and also the necessity for steady growth and investment in science and technology for the future.*

AGI respectfully requests $1.372 billion for the Geoscience Directorate at NSF and $1.947 billion for NASA Earth Science programs. AGI supports the President's request for $5.982 billion for NOAA and $1.12 billion for NIST.

AGI is a nonprofit federation of about 50 geoscientific and professional societies representing more than 250,000 geologists, geophysicists, and other Earth scientists. Founded in 1948, AGI provides information services to geoscientists, serves as a voice for shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to hazards, and the health of the environment.

NATIONAL SCIENCE FOUNDATION

AGI supports the President's request for $7.724 billion for NSF.—These important investments in the future of our Nation are the seed capital necessary to support the progress of science and engineering which underpins modern society and produces revolutionary—and some as yet unforeseen—breakthroughs. Basic research such as this provides knowledge that is used to improve people's quality of life, creates a dynamic and innovative economy, and strengthens the security of the country.

NSF not only provides core funding and essential infrastructure for basic research, but also supports the education and training of the next generation of the workforce. AGI believes that investment in NSF programs, where research is funded based on competitive, scientific merit and peer review, will pay important dividends in maintaining U.S. dominance in science and technology long into the future.

NSF Geosciences Directorate.—AGI is disappointed that the President's request for a 4.7 percent increase for the Geoscience Directorate (GEO) falls short of his NSF-wide request for a 5.2 percent increase, especially when GEO funding had already been cut in fiscal year 2015. *AGI respectfully asks the subcommittee to provide the Geosciences Directorate with $1,372 million for fiscal year 2016* to keep the Directorate on par with the proposed NSF-wide increase of 5.2 percent.

The Geosciences Directorate (GEO) is the principal source of Federal support for academic Earth scientists and their students who seek to understand the Earth and the processes that sustain and transform life on this planet. The Geosciences Directorate provides about 61 percent of Federal funding for basic geoscience research at academic institutions. According to NSF data, the Directorate distributes about 1,600 new awards annually and expects about 15,900 people to participate in GEO

activities in fiscal year 2016, while also supporting indispensible research infrastructure and instruments.

The GEO Directorate plays a significant role in NSF's cross-foundational initiatives, such as the Innovations at the Nexus of Food, Energy, and Water Systems (INFEWS) and Prediction of and Resilience against Extreme Events (PREEVENTS) activities. These exciting projects integrate information from a range of disciplines to address pressing, socially-relevant issues. The geosciences play a large role in INFEWS, providing raw data and information on fossil, nuclear, and renewable energies; the quantity, quality, and distribution of water supplies; and the characteristics, health, and stability of soils and the critical zone where Earth, biological, and human systems intersect. Additionally, geohazards such as earthquakes and landslides are a significant component of PREEVENTS. This NSF-wide initiative has the potential to improve predictability and risk assessments associated with geohazards, which help build resilience to natural and manmade disasters. These investments in pre-disaster research and mitigation will provide an excellent return on investment, both in monetary and social terms. *AGI supports funding of $14.78 million for INFEWS and $23.50 million for PREEVENTS in the Geoscience Directorate and particularly stress the importance of the Earth Science Division to this work.*

NSF's Division of Polar Programs (PLR) funds basic research in the Arctic and Antarctic and manages all U.S. activities in Antarctica as a single, integrated program. The polar regions are the focus of intense scientific and political interest as new navigation routes are opening access to resources and presenting security challenges. NSF-funded research and infrastructure are helping the United States understand environmental conditions in extreme environments, develop polar technology, and construct data-driven strategic and security policies. AGI suggests a minimum of $450 million for the Division of Polar Programs.

NSF funds facilities that enable researchers to access locations, data, and technologies that serve the overall research community. AGI strongly supports robust and steady funding for infrastructure and the operation and maintenance of major facilities, including the Academic Research Fleet, Geodetic and Seismological Facilities for the Advancement of Geosciences and EarthScope (GAGE and SAGE), Ocean Drilling Activities, the Ocean Observatories Initiative, and the National Center for Atmospheric Research (NCAR).

Directorate for Education and Human Resources.—Support for geoscience education within NSF not only helps us meet the demand for a competitive, skilled workforce, but also supports an informed citizenry prepared to make well-informed decisions about the management of our planet and its resources. Outreach and education are important at all levels from K–12 through graduate and should include formal and informal outlets to facilitate lifelong learning. *AGI strongly supports funding for geoscience education at all levels and particularly supports programs to diversify the geoscience student population and workforce.* The INCLUDES (Inclusion across the Nation of Communities of Learners that have been Underrepresented for Diversity in Engineering and Science) initiative should focus funds and attention on this important workforce issue. AGI urges Congress to fund programs in NSF's Directorate for Education and Human Resources, including NSF Scholarships in STEM, Graduate Research Fellowships, Climate Change Education, Research Experiences for Undergraduates, and Advancing Informal STEM Education.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Geoscientists rely on NOAA for much of the data and long-term monitoring that enable research and rapid response for events such as hurricanes, drought, marine oil spills, and a range of coastal phenomena. The National Weather Service (NWS), Oceanic and Atmospheric Research (OAS), National Ocean Service (NOS), and the National Environment Satellite, Data and Information Service (NESDIS) programs provide the data necessary for understanding and mitigating these events, as well as sustaining our natural resources. *AGI supports the President's request for $5.982 billion for NOAA and hopes that the subcommittee will continue to support these crucial initiatives.*

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Earth scientists and geotechnical engineers versed in the geosciences conduct basic research at NIST that is used by the public and private sectors to build resilient communities and stimulate economic growth. The research conducted and the information gained is essential for understanding natural hazards, identifying the infrastructure needed to build strong communities, and stimulating economic growth. *AGI strongly supports the President's request for $1.12 billion for NIST.*

NIST is the lead agency for the National Earthquake Hazard Reduction Program (NEHRP), an interagency program responsible for the efficient coordination of research and resources to understand and mitigate earthquakes, but has received only a small portion of authorized and essential funding in the past. *AGI supports the reauthorization and funding of the National Earthquake Hazards Reduction Program (NEHRP) in this Congress.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA's current fleet of Earth-observing satellites provides the data necessary to understand our dynamic planet. These satellites such as the Advanced Earth Observing Satellite and the Landsat series provide information critical to research and life-sustaining functions like weather forecasting, emergency service response and planning, and tracking ash plumes or oil spills that disrupt the economy and the environment. Geoscientists use Landsat data to monitor, predict, and help land managers to address drought, wildfires, changes in vegetation, and other changes to the Earth's surface. *We strongly support the President's request for $1.947 billion for NASA Earth Science and the NASA/USGS Sustainability Land Imaging Architecture Study Team, which is examining options for continuing Landsat-compatible observations into the future.*

Thank you for the opportunity to present this testimony to the subcommittee.

PREPARED STATEMENT OF THE ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES' BOARD ON OCEANS, ATMOSPHERE, AND CLIMATE

On behalf of the Association of Public and Land-grant Universities' (APLU) Board on Oceans, Atmosphere, and Climate (BOAC), we thank you for the opportunity to provide recommendations for the proposed fiscal year 2016 budgets for the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautic and Space Administration (NASA) and the National Science Foundation (NSF). BOAC represents hundreds of scientists and administrators at APLU's 238 member universities and systems. *We support a budget of $80 million for NOAA's National Sea Grant College Program, $5.49 billion for NASA's Science Directorate and $7.7 billion for NSF. We also support a full restoration of all of NOAA, NASA, and NSF's STEM Programs.*

According to the National Climatic Data Center (NCDC), between 1980 and 2013, there were 178 weather/climate disasters that each exceeded $1 billion in damages. Combined, they exceed $1 trillion in losses. The Federal Government spent nearly $140 billion on disasters in 2012 alone. Further, the U.S. economy often takes a hit from disasters as well. The drought of 2012 likely cost the U.S. economy over $30 billion. Additionally, the role of the Federal Government in covering many of these losses has grown tremendously over the last few decades. Erwann Michel-Kerwann, chairman of the OECD's Board on Financial Management of Catastrophes, noted that in 1989, Federal relief covered only 23 percent of total damage whereas Federal relief covered 69 percent of Hurricane Ike in 2008 and 75 percent of Hurricane Sandy in 2012.

To decrease future Federal expenditures and to make the Nation more prepared for natural disasters, Federal agencies are working with communities across the Nation to enhance their resilience. Community resilience is a measure of the ability of a community to prepare for, respond to, and fully bounce back from a variety of crises. Through research, Federal science agencies can play a valuable role in helping communities strengthen their resilience.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Within the administration's fiscal year 2016 budget proposal, there is a proposal to increase the Regional Coastal Resilience Grants program by $45 million to "(1) increase the resilience of coastal communities and ecosystems by assisting with planning for and addressing extreme weather events, coastal inundation, climate hazards, changing ocean conditions, and competing uses; and (2) to support regional approaches that leverage existing resources and efforts and promote collaboration across jurisdictions and sectors." This proposal nearly mirrors the National Sea Grant College Program's goals to (1) develop vibrant and resilient coastal economies; (2) aid communities in using comprehensive planning to make informed strategic decisions; (3) improve coastal water resources to sustain human health and ecosystem services; and (4) to help resilient coastal communities adapt to the impacts of hazards and coastal changes.

Thus, while we applaud and support the administration's attention to coastal resilience, we suggest that the National Oceanic and Atmospheric Administration (NOAA) capitalize on the capacity that exists in the Sea Grant Program to add value to this initiative. Sea Grant would strengthen the research and education component of this resiliency effort. Furthermore, as required by law, each dollar Sea Grant receives in Federal funding must be matched at the State level. Finally, Sea Grant is local; it provides NOAA with boots on the ground throughout the country's coastal areas. Sea Grant personnel hear directly from community members about their needs and work directly with communities to provide technical assistance. We provide below two examples of the type of work Sea Grant has done related to community resiliency.

Sea Grant has a proven track record with regard to coastal community resilience work. For example, the Mississippi-Alabama Sea Grant Consortium developed the Coastal Community Resilience Index (CCRI), a community self-assessment tool, in response to community requests for baseline data they could use to assess how they are progressing toward their goals to become more resilient. Using this tool, communities can identify vulnerabilities and prepare for future natural disasters. So far, 47 communities across the Gulf of Mexico, working along with 74 facilitators, have utilized the tool to determine their base resilience. A small grants program then provides individual communities financial resources needed to address action items identified by the CCRI.

Sea Grant Programs also target the individual homeowners in coastal communities. For instance, the University of Hawai'i Sea Grant produced a community specific Homeowner's Handbook to Prepare for Natural Hazards. Using non-technical language, the book offers homeowners step-by-step instructions for hazard preparation along with education on the hazard risk in their area. This book has proven so popular it has gone through 8 print runs and has now been adapted to Alabama, Delaware, Florida, Louisiana, Massachusetts, Mississippi, and Texas.

Based on the examples given, we encourage the subcommittee to fund Sea Grant at $80 million, allowing the Program to then be heavily utilized in NOAA's resiliency efforts.

Underlying all of the programs above are the skilled scientists, educators, and community engagement specialists in academia, non-profits, industry and State, local, and Federal Government that actually perform the work. The continuity and durability of that workforce relies on strong educational programs that recruit, mentor, and develop the necessary human capacity. The administration's budget calls for the elimination of several important STEM programs at NOAA that contribute to the development of a workforce with the skills and expertise needed in our 21st century economy.

NOAA's Fisheries Sea Grant Fellowship encourages students to pursue careers in population and ecosystem dynamics or marine resource economics, areas vital to NOAA's management of the Nation's fisheries. The NOAA Teach at Sea Program permits K–12 teachers the opportunity to experience hands-on, real world research on NOAA's fisheries, oceanographic, or hydrographic survey cruises. This allows those teachers to enrich their curricula and enhance their approaches to teaching science. Finally, it is not enough in today's complex world to know only the technical aspects of one's science discipline, but also to hone professional skills needed to become tomorrow's leaders. The John A. Knauss Marine Policy Fellowship provides exactly that type of training.

BOAC strongly encourages the subcommittee to restore funding for all the NOAA STEM programs.

NATIONAL SCIENCE FOUNDATION

BOAC supports the administration's request of $7.7 billion for the National Science Foundation (NSF). NSF provides 61 percent of geoscience basic research funding, including support for critical infrastructure such as the National Center for Atmospheric Research—Wyoming Supercomputing Center, the Academic Research Fleet, and the Ocean Observatories. Additionally, NSF is the home of traditionally strong STEM education programs.

BOAC supports the budget request for NSF's geosciences directorate. NSF's investments in the geosciences address important national challenges, spur new economic sectors, and lead to the development and implementation of advanced technologies that save lives, protect property, and support our economy. BOAC also supports the NSF's creation of the focused research effort called Prevention of and Resilience against Extreme Events (PREEVENTS), the purpose of which is to enhance national resilience to natural hazards. Like the Hazards SEES (Science, Engineering, and Education for Sustainability) before it, PREEVENTS will improve quan-

titative models and qualitative research that should aid societal preparedness and resilience. In particular, PREEVENTS will promote disciplinary and multidisciplinary projects for significant near– or medium-term advances.

BOAC is also pleased to see NSF expand research into Innovations at the Nexus of Food, Energy, and Water Systems (INFEWS). In its "Science Education and Outreach Roadmap for Natural Resources," APLU's BOAC and its Board on Natural Resources identified six major grand challenges facing the Nation's natural resources, three of which are agriculture, energy, and water. There are many examples of where these three come into play with one another. The drought in California affects not only California's enormous agricultural system but also the State's production of hydroelectricity. Many of the Nation's important waterways face problems with eutrophication from nutrient runoff from intensive agricultural production.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Like NOAA & NSF, the National Aeronautics and Space Administration (NASA) is critical to community resilience, both for developing an understanding of the earth and how it functions as well as collection of the data scientists use to help aid decision-makers.

In 2007, the National Academies issued the report, *"Earth and Science Applications from Space: National Imperatives for the Next Decade and Beyond."* The report found that between 2000 and 2009 funding for Earth Sciences (ES) had fallen substantially. Past investments in NASA's science mission have funded university research that has resulted in the development of new instruments and technologies and in valuable advances in weather forecasting, climate projections and understanding of Earth ecosystems.

NASA is instrumental in deploying satellites used by NOAA. Furthermore, without the tools developed at NASA, oceanic, atmospheric, hydrologic and Earth-system scientists and the Nation would have only a fragmentary picture of the interconnected functioning of the planet's oceans, atmosphere and land. NASA plays a role in technology transfer from NOAA by testing new sensors. NASA is currently developing a sensor that will for the first time give scientists and resource planners a global picture of the world's terrestrial water supplies. Currently many lakes and rivers are not monitored and there is no centralized location for water resource information. The NASA data archive is an irreplaceable collection of environmental information that researchers depend upon. NASA also flies the WB–57 high altitude research aircraft, which performs valuable atmospheric research missions including remote sensing for coastal resiliency and the study of hurricane formation and intensity change. Furthermore, through its support for young scientists and graduate students, the NASA science mission supports innovation in the education and future workforce pipeline.

Finally, we support funding NASA to develop and implement a scatterometer mission with fast community access to those data, capability to distinguish between wind and rain and a higher orbit for coverage of Alaskan waters. The scatterometer has been a critical component of hurricane prediction.

BOAC thanks you for the opportunity to provide our views to the subcommittee. We look forward to working with you through the fiscal year 2016 appropriations process.

ABOUT APLU AND THE BOARD ON NATURAL RESOURCES

APLU's membership consists of 238 State universities, land-grant universities, State-university systems and related organizations. APLU institutions enroll more than 4.8 million undergraduate students and 1.3 million graduate students, award 1.2 million degrees, and conduct $41 billion annually in university-based research annually. The Board's mission is to provide Federal relations for issues involving university-based programs in marine, atmospheric, and climatological sciences. BOAC representatives are chosen by their president's office to serve. They include some of the Nation's leading research and educational expertise in atmospheric, marine, and climate disciplines.

PREPARED STATEMENT OF THE ASSOCIATION OF SCIENCE-TECHNOLOGY CENTERS

INTRODUCTION

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, thank you for the opportunity to submit written testimony for the record. My name is Anthony (Bud) Rock, and I serve as the President and Chief Executive Officer of the Association of Science-Technology Centers (ASTC). My testimony today ad-

dresses the importance of science, technology, engineering, and mathematics (STEM) education, and will focus specifically on the fiscal year 2016 budgets for four specific programs at three Federal agencies over which your subcommittee has jurisdiction, including: (1) the Competitive Program for Science Museums, Planetariums, and NASA Visitor Centers Plus Other Opportunities (CP4SMP+) at the National Aeronautics and Space Administration (NASA),which would not be funded under the President's fiscal year 2016 request; the Bay-Watershed Education and Training (B–WET) Regional Programs and Competitive Education Grants (CEG)/Environmental Literacy Grants (ELG) programs at the National Oceanic and Atmospheric Administration (NOAA), which would not be funded under the President's fiscal year 2016 request; and the Advancing Informal STEM Learning (AISL) program at the National Science Foundation (NSF), which would receive $60 million under the President's fiscal year 2016 request.

OUR REQUEST

On behalf of ASTC and the nearly 400 science centers and museums we represent here in the United States, I urge the subcommittee to continue its strong support for critical STEM education programs within NASA, NOAA, and NSF as the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2016 moves forward. Specifically, I urge you to:

—Provide $10 million for the Competitive Program for Science Museums, Planetariums, and NASA Visitor Centers Plus Other Opportunities at the National Aeronautics and Space Administration.

—Provide $12 million for the Bay-Watershed Education and Training Regional Programs and $8 million for the Competitive Education Grants/Environmental Literacy Grants programs at the National Oceanic and Atmospheric Administration.

—Provide $60 million for the Advancing Informal STEM Learning program at the National Science Foundation.

—Continue to thoroughly examine any proposals that would seek to consolidate and/or reorganize Federal STEM education programs in an effort to ensure that stakeholder input has been sought and that proven, successful programs are maintained.

Before providing more detail about ASTC and the science center and museum field, I want to first offer a brief snapshot of these Federal programs and why they are so vital to communities across the country.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA's *Competitive Program for Science Museums, Planetariums, and NASA Visitor Centers Plus Other Opportunities* provides support for education or research engagement projects, exhibits, and/or partnerships with K–12 schools to support inquiry- or experiential-based activities led by informal education institutions—like science centers and museums—that feature NASA missions, science, engineering, explorations, or technologies.

With fiscal year 2014 funding, NASA awarded funding to 12 projects, including three NASA Visitor Centers. Three Maryland-based institutions—the Maryland Science Center, the Prince George's County Public Schools' Howard B. Owens Science Center, and the Goddard Space Flight Center—collaborated on a proposal and are receiving support to make educators, students, families, and the public more aware and better informed of NASA heliophysics science and NASA missions studying the Sun. Program participants will come to a better understanding of the Sun, space weather, and the Sun's far-reaching influence on our planet and the rest of the solar system.

Though Congress—and this subcommittee—have been very supportive of this program since its inception in fiscal year 2008, the agency has not indicated if any fiscal year 2015 funds will be available for new grants. Furthermore, the President did not include funding for the program in his fiscal year 2016 budget request. *I encourage the subcommittee to continue its strong support for the CP4SMP+ by providing $10 million for fiscal year 2016.*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOAA's *Bay-Watershed Education and Training Regional Programs* are environmental education offerings that promote locally relevant, experiential learning in the K–12 environment. The program, which currently serves seven areas of the country (California, the Chesapeake Bay, the Great Lakes, the Gulf of Mexico, Hawai'i, New England, and the Pacific Northwest), promotes environmental literacy in society by supporting individuals to understand, protect, and restore watersheds

and related ecosystems. With fiscal year 2015 funding for 86 new and continuing awards, B–WET grants will reach an estimated 69,000 students and 2,600 teachers.

NOAA's *Competitive Education Grants/Environmental Literacy Grants program,* which the agency touts as "the longest-standing and most comprehensive national grants program focused on environmental literacy," helps improve and increase the understanding and use of earth systems science while advancing STEM education. Since its beginnings in 2005, NOAA has made 111 awards to over 150 institutions across the country—all of which help advance its mission. The agency estimates that each year, an average of 60 million people visit an institution—like a science center or museum—that has a NOAA-funded exhibit or program.

Despite this measurable impact, the President's fiscal year 2016 budget request once again proposes the termination of both the B–WET and the CEG/ELG programs, which received $7.2 million and $4 million, respectively, for fiscal year 2015. For fiscal year 2016, *I urge the subcommittee to remain supportive of the programs by providing $12 million in funding for B–WET and $8 million in funding for CEG/ELG.*

NATIONAL SCIENCE FOUNDATION

Fiscal year 2016 funding for the *Advancing Informal STEM Learning* program, offered by the Directorate for Education and Human Resources and the Division of Research on Learning in Formal and Informal Settings, will provide resources to support design, adaptation, implementation, and research on innovative modes of learning in the informal environment, with important emphases on citizen science, making, and cyberlearning. Just last year, new awards were made to the University of Alaska-Fairbanks (in partnership with the Oregon Museum of Science and Industry), the University of Maryland Center for Environmental Sciences, the University of Wisconsin-Madison, and the University of New Hampshire, to name just a few.

The President's fiscal year 2016 budget request includes $60 million—$5 million more than the fiscal year 2015 appropriated level—for AISL. *I encourage the subcommittee to support the President's request.*

STEM EDUCATION CONSOLIDATION AND REORGANIZATION

With regard to the Federal STEM education consolidation plan first released by the administration for fiscal year 2014 and amended in each of the last two budget requests, I recognize the importance of creating efficiencies within the Federal Government whenever possible. Nevertheless, I continue to have serious concerns about a proposal that would eliminate effective programs that support informal STEM learning. Integral Federal investments, including the aforementioned NASA and NOAA offerings, are once again slated for elimination in fiscal year 2016. I sincerely appreciate the subcommittee's thoughtful consideration of the harmful effect of the proposed terminations, and ask you to remain steadfast in your support of these programs.

ABOUT ASTC AND SCIENCE CENTERS

The Association of Science-Technology Centers is a global organization providing collective voice, professional support, and programming opportunities for science centers, museums, and related institutions, whose innovative approaches to science learning inspire people of all ages about the wonders and the meaning of science in their lives. Science centers are sites for informal learning, and are places to discover, explore, and test ideas about science, technology, engineering, mathematics, health, and the environment. They feature interactive exhibits, hands-on science experiences for children, professional development opportunities for teachers, and educational programs for adults. In science centers, visitors become adventurous explorers who together discover answers to the myriad questions of how the world works—and why. As members of this subcommittee know, it is imperative that we spark an interest in STEM fields at an early age—a key role for community-based science centers and museums, who often undertake this effort with the aforementioned modest—but important—support from NASA, NOAA, and NSF, in addition to other Federal agencies.

ASTC works with science centers and museums to address critical societal issues, locally and globally, where understanding of and engagement with science are essential. As liaisons between the science community and the public, science centers are ideally positioned to heighten awareness of critical issues like agriculture, energy, the environment, infectious diseases, and space; increase understanding of—and exposure to—important and exciting new technologies; and promote meaningful exchange and debate between scientists and local communities.

ASTC now counts 636 members, including 489 operating or developing science centers and museums in 45 countries. Collectively, our institutions garner 95 million visits worldwide each year. Here in the United States alone, our guests—and your constituents—pass through science center doors more than 73 million times to participate in intriguing educational science activities and explorations of scientific phenomena.

Science centers come in all shapes and sizes, from larger institutions in big metropolitan areas to smaller centers in somewhat less populated ones. ASTC represents institutions as diverse as the Adventure Science Center in Nashville; the Anchorage Museum at Rasmuson Center; the Connecticut Science Center; the Echo Lake Aquarium and Science Center in Burlington, Vermont; the Maine Discovery Museum in Bangor; the McWane Science Center in Birmingham; the Museum of Discovery in Little Rock; and the Providence Children's Museum.

Our centers reach a wide audience, a significant portion of which are school groups. Here in the United States, 94 percent of our members offer school field trips, and we estimate that more than 13 million children attend science centers and museums as part of those groups each year. Field trips, however, are truly just the beginning of what science centers and museums contribute to our country's educational infrastructure, as: 92 percent offer classes and demonstrations; 90 percent offer school outreach programs; 76 percent offer workshops or institutes for teachers; 74 percent offer programs for home-schoolers; 67 percent offer programs that target adult audiences; 65 percent offer curriculum materials; 50 percent offer after-school programs; 34 percent offer youth employment programs; and 22 percent offer citizen science projects.

CONCLUSION

With this in mind, and while I am fully aware of the significant budget challenges that face this subcommittee, Congress, and the Nation, I hope you will continue to recognize the important educational offerings science centers and museums make available to students, families, and teachers, along with the essential Federal support they receive from NASA, NOAA, and NSF.

Again, I respectfully request and urge you to:

—Provide $10 million for the Competitive Program for Science Museums, Planetariums, and NASA Visitor Centers Plus Other Opportunities at the National Aeronautics and Space Administration.

—Provide $12 million for the Bay-Watershed Education and Training Regional Programs and $8 million for the Competitive Education Grants/Environmental Literacy Grants program at the National Oceanic and Atmospheric Administration.

—Provide $60 million for the Advancing Informal STEM Learning program at the National Science Foundation.

—Continue to closely examine any proposals that would seek to consolidate and/or reorganize Federal STEM education programs in an effort to ensure that stakeholder input has been sought and that proven, successful programs are maintained.

Thank you once again for your strong support for America's science centers and museums—and for the opportunity to present these views. My staff and I would be happy to respond to any questions or provide additional information as needed by the subcommittee.

PREPARED STATEMENT OF THE ASSOCIATION OF ZOOS AND AQUARIUMS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Thank you Chairman Shelby and Ranking Member Mikulski for allowing me to submit testimony on behalf of the Nation's 214 AZA-accredited zoos and aquariums. Specifically, I want to express my support for the inclusion of $4 million for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, $8,000,000 for the National Oceanic and Atmospheric Administration (NOAA) Environmental Literacy Grants Program (including $2,500,000 for the NOAA Ocean Education Grants Program), and $12,000,000 for the Bay, Watershed, Education and Training Program in the fiscal year 2016 Commerce, Justice, Science, and Related Agencies appropriations bill. Additionally, I urge you to reject any proposal that eliminate valuable ocean education programs as part of a plan to restructure Federal Science, Technology, Engineering, and Math (STEM) programs.

Founded in 1924, the Association of Zoos and Aquariums (AZA) is a nonprofit 501c(3) organization dedicated to the advancement of zoos and aquariums in the

areas of conservation, education, science, and recreation. AZA-accredited zoos and aquariums annually see more than 180 million visitors, collectively generate more than $17 billion in annual economic activity, and support more than 165,000 jobs across the country. Over the last 5 years, AZA-accredited institutions supported more than 4,000 field conservation and research projects with $160,000,000 annually in more than 100 countries. In the last 10 years, accredited zoos and aquariums formally trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips annually connect more than 12,000,000 students with the natural world.

During the past 20 years AZA-accredited zoos and aquariums have rescued and rehabilitated more than 1,800 marine animals including stranded dolphins, whales, sea lions, seals, sea otters, sea turtles, and manatees. More than 1,750 (97 percent) of these animals have been successfully released back into their natural habitat. While the Nations' accredited zoos and aquariums support wildlife rehabilitation through their ongoing animal rescue programs, these institutions are sometimes involved in addressing natural and manmade disasters such as the 2010 *Deepwater Horizon* Gulf oil spill. For example, following the oil spill, accredited zoos and aquariums around the country offered assistance by pledging the services of 200 animal care professionals and donating supplies, vehicles, and other resources to assist in the wildlife rescue efforts.

The John H. Prescott Marine Mammal Rescue Assistance Grant Program provides grants or cooperative agreements to eligible stranding network participants for the recovery and treatment (i.e., rehabilitation) of stranded marine mammals; data collection from living or dead stranded marine mammals; and, facility upgrades, operation costs, and staffing needs directly related to the recovery and treatment of stranded marine mammals and collection of data from living or dead stranded marine mammals. Eligible applicants are currently active, authorized participants, including AZA-accredited zoos and aquariums, or researchers in the National Marine Mammal Stranding Network.

Without the Prescott grant program, NOAA would have to rely on private organizations as it coordinates the response to marine mammals in distress; determines disease, injury and potential cause(s) of death; and supports emergency response for marine mammals during oil spills, outbreaks of diseases, and unusual mortality events. Network partners may not have the funds or the ability to respond to some stranding events, leaving animals at risk for prolonged exposure and likely death. Without funding for this program the critical ability to monitor marine mammal health trends, collect scientific data, and perform analysis would also be diminished. Information about the causes of marine mammal strandings is useful to the public because marine mammals can serve as an indicator of ocean health, giving insight into larger environmental issues that also have implications for human health and welfare.

At the same time that AZA-accredited zoos and aquariums are working with Federal partners to conserve ocean wildlife, they also are providing essential learning opportunities, particularly about science, for schoolchildren in formal and informal settings. Increasing access to formal and informal science education opportunities has never been more important. Studies have shown that American schoolchildren are lagging behind their international peers in certain subjects including science and math.

The NOAA Ocean Education Grants Program and Bay, Watershed, Education and Training Program bring students closer to science by providing them with the opportunity to learn firsthand about our world's marine resources. Through these grant programs, aquariums work closely with Federal, State, and local partners on projects with long-lasting benefits not only for the students but their communities as well. For example, previous projects funded by NOAA Ocean Education Grants at AZA aquariums have focused on establishing a regional network of summer camp programs grounded in ocean science, enhancing teen conservation leadership programs, and conserving and managing coastal and marine resources to meet our Nation's economic, social and environmental needs. As schools face increased budgetary pressures, these types of education programs at aquariums will become even more important in ensuring that American schoolchildren receive the necessary foundation in science education that they will need to be competitive in the 21st century global economy.

AZA-accredited zoos and aquariums are essential partners at the Federal, State, and local levels to improve education for schoolchildren and ensure that current and future generations will be good stewards of the world's oceans. Therefore, I urge you to include $4 million for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, $8,000,000 for the NOAA Environmental Literacy Grants Program (including $2,500,000 for the NOAA Ocean Education Grants Program), and

$12,000,000 for the Bay, Watershed, Education and Training Program in the fiscal year 2016 Commerce, Justice, Science, and Related Agencies appropriations bill.

Thank you.

PREPARED STATEMENT OF THE CONSORTIUM FOR OCEAN LEADERSHIP

On behalf of the Consortium for Ocean Leadership, I appreciate the opportunity to discuss the fiscal year 2016 Federal science budget for the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA) and the National Aeronautics and Space Administration (NASA). Ocean Leadership represents 89 of the Nation's leading oceanographic research and education institutions with the mission to shape the future of ocean sciences. We respectfully request the subcommittee provide no less than $7.72 billion for the NSF; $1.95 billion for Earth Sciences at NASA; and $6 billion for NOAA. These funds will help maintain U.S. global leadership in ocean science and technology, which is critical to American agriculture, energy development, a changing Arctic, ocean exploration and a healthy U.S. scientific workforce.

OCEAN FORECASTS ARE CRITICAL TO AMERICAN AGRICULTURE

The ocean drives global water and weather systems through the absorption, retention and transportation of vast amounts of the Earth's heat, water and carbon dioxide. Thanks to the longstanding bipartisan support of this subcommittee, our Nation has been well positioned to lead the world in innovation while also effectively and efficiently incorporating environmental data into marketplace. For example, the support of this committee enabled NOAA to better service the buoys comprising the TAO Array (Tropical Atmosphere Ocean project in the equatorial Pacific), which had degraded significantly and is critical for seasonal weather predictions.

One of the most important influences on weather variation is derived from El Niño Southern Oscillation, or ENSO, which is a coupled atmosphere-ocean oscillation that impacts atmosphere and ocean circulation patterns across the equatorial Pacific. A rise in sea surface temperatures in the eastern tropical Pacific and an eastward shift in the convection in the western Pacific typically characterizes an El Niño event, which causes major seasonal temperature and precipitation changes around the world, including changes in rainfall over much of America's most productive croplands. Consequently, commodity strategists incorporate predictions of El Niño events into commodity prices months and in some cases up to a year in advance. Last year, experts predicted that there would up to an 80 percent chance of an El Niño occurring, which led to increased prices for commodities such as coffee and cocoa. Yet, while sea surface waters rose in the equatorial Pacific, the trade winds never materialized and El Niño didn't arrive as predicted. Consequently, the drought-stricken west didn't experience the higher rainfalls expected during El Niño events. Such information is vital not only for the agriculture industry but also the insurance industry, the energy sector, and national security as civil unrest can occur overseas when crops fail, fresh water is in short supply, or floods displace populations.

ENSO isn't the only ocean-atmosphere factor in predicting weather. There are other natural variations, including the North Atlantic/Arctic Oscillation, which is related to the Polar Vortex and mainly influences the temperature and precipitation in the eastern half of the United States. The Pacific Decadal Oscillation interacts with ENSO to influence weather in the western United States. However, today's predictive models have not matured enough to forecast these oscillations nearly as well as we have been predicting ENSO. With the unrealized El Niño prediction of 2014, clearly we still have a ways to go in improving models on seasonal timescales, which is essential for agriculture and energy preparation as well as preparing for drought and flooding. While the TAO array has been very helpful for ENSO predictions, so much of the global ocean is not yet measured, especially the surface meteorology and air-sea fluxes. Satellite observations are essential as they give us a global view and are advancing with new salinity sensors and improved altimetry. Yet, we are faced with potential data gaps in our polar orbiting satellites that provide critical data for weather forecasts. To truly become a weather ready nation, we need sustained ocean observations, both from space as well as in situ, particularly at depth.

MARINE ROBOTICS AND OCEAN VEHICLES ESSENTIAL TO U.S. TECHNOLOGY LEADERSHIP

Investment in basic technology research for the geosciences has spurred the growth of marine robotics, which like the transition from sail to steam power, is

ushering in a new chapter in ocean observation and monitoring. Autonomous underwater robotic systems open the door for routine and persistent access to the deep ocean, allowing the expansion of commercial activities that include offshore oil and gas exploration, undersea mining, aquaculture, and installation of marine wind and wave energy facilities and submarine communication cables. Thus far marine robotic systems have been tied to ships, but newer systems are able to operate independently, providing broader and more long-term access for baseline environmental assessments and observing and for equipment monitoring and maintenance, reducing shipping and permitting costs and greatly improving hazards response management. At one time, U.S. oceanographic institutions were among the few organizations in the world that could build and operate deep ROVs. Now these vehicles are used by the entire oceanographic community for a variety of uses including offshore energy production. Hydroid Inc., Teledyne Webb Research, and Bluefin Robotics are three highly successful job-creating companies that spun off from academic research laboratories (Woods Hole Oceanographic Institution and MIT). Together, these three companies dominate worldwide production of autonomous underwater vehicles, with deployed systems projected to grow by 42 percent over the next 4 years (Douglas-Westwood study).

Researchers at Oregon State University are outfitting undersea gliders with acoustic sensors to identify biological "hot spots" in the coastal ocean. These new smart gliders will be able to identify different kinds of marine animals using their unique acoustical signatures, which will ultimately benefit the fishing industry and resource managers. The geosciences directorate at NSF needs to be a priority if it is going to continue to support the basic research required to develop the next generation vehicles and sensors in what is becoming a globally competitive marketplace.

MAINTAINING U.S. GLOBAL POSTURE IN THE ARCTIC

The United States is an Arctic nation, where significant economic, social and national security interests intersect. The Arctic harbors tremendous natural resources, thriving and productive ecosystems, and is increasingly becoming an international focus for expanded navigation and commerce. Yet, in many places, the seafloor is virtually uncharted and the water column is essentially unknown. We are already observing a rise in commercial activity in the Arctic in terms of shipping, fishing and oil and gas exploration, which could eventually lead to boundary disputes among nations or accidents that require search and rescue or oil spill response. Put simply, the United States is not yet prepared to respond to an accident or serious incident in the Arctic. And it's not just the cargo ships that are traversing the Arctic, as there are also marine species that are making their way between the Pacific and Atlantic for the first time in millennia, which may have negative ecological implications as invasive species. Because of its high latitude, effects of a rapidly changing climate are amplified. Climate projections for the Arctic region depend on knowing the state and circulation of the Arctic Ocean, yet ocean-ice interactions are poorly understood. Furthermore, the Arctic basin is insufficiently mapped and instrumented for real-time observations, and there is a need for improved integration of observations into models to produce reliable projections.

As ice cover decreases in this part of the world, ocean warming will accelerate because ice reflects 90 percent of solar radiation and the oceans absorb 90 percent. The result will be an increase in sea level, release of methane gasses that could further contribute to climate change, and an increase in extreme weather events in lower latitudes. But with great change comes great opportunity. As the United States assumes chairmanship of the Arctic Council, our Nation stands at a pivotal moment with the opportunity to proactively manage, protect and use this unique ecosystem proactively. Consequently, Ocean Leadership recently convened a forum to discuss the state of current knowledge, and how we can achieve the capacity to more accurately predict these changes. It is critical for operators in the Arctic and for U.S. diplomatic leadership that our science agencies, including NSF, NOAA and NASA, have the resources to develop and deploy the technologies we need to observe, monitor and understand this pivotal region.

OCEAN EXPLORATION IS AMERICA'S NEXT FRONTIER

The ocean is the predominant physical feature on our planet, covering 71 percent of the Earth's surface, containing 97 percent of the planet's water and 99 percent of the Earth's habitat. Despite the fact that most life on Earth lives in the ocean, 95 percent of the ocean remains unexplored. The estimated 91 percent of the sea-life that remains undiscovered may prove vital to human health and well-being through the development of pharmaceuticals and medicinals. For instance, biologist

Stanley Watson from Woods Hole Oceanographic Institution conducted fundamental research on bacteria's role in the marine food web in the 1970's. This work resulted in a patent for the detection of bacteria in seawater, using an extract from the blood of horseshoe crabs, which spun off into a company that was the first licensed by the FDA to detect the presence of different kinds of human disease causing bacteria. Today, more than a half a million crabs are captured each year to "donate" about 30 percent of their blood (valued at $60,000 per gallon) for a global industry valued at $50 million a year that ensures the sterility of vaccines, IV fluids, surgical instruments, artificial implants, and countless other drugs and medical devices. It is important for NOAA to have a robust ocean exploration endeavor and for NSF and NASA to continue funding basic research in this area that may form the building block for the next generation of cures for human ailments.

EDUCATING THE NEXT GENERATION OF GEOSCIENTISTS

The geosciences support from NSF, in addition to the STEM education programs at the mission agencies, is essential for training the next generation of geoscientists. The Workforce Research team at the American Geosciences Institute calculated that there will be a shortage of 135,000 geoscientists in the U.S. workforce over the next decade. We can ill afford to have a shortage of these workers that are vital for the energy and weather forecasting industries as well as natural resource managers, land use planners and first responders. Diversity continues to be a challenge for the scientific community as we need to develop a workforce whose composition better resembles the broader population. We greatly appreciate the support this subcommittee has given to STEM education programs at NSF, NOAA and NASA, and encourage this support to extend into the geoscience directorate at NSF, which aids the development of thousands of early career geoscientists.

As you draft your spending bill, I hope that you will note that the bulk of the intellectual capacity regarding the ocean environment resides within the academic research community. Peer-reviewed extramural research is the most efficient and effective vehicle for providing our policy makers and our commercial partners with the expertise, information and data necessary to address the emerging challenges facing our Nation. We also hope that you will continue to permit science priorities and decisions to be made by the scientific community, which has enabled America's innovation economy to thrive for decades. Given the austere fiscal environment, we are prepared to work with the Foundation to help ensure that there is robust core research at a time when new facilities are coming online.

In summary, the funding we have recommended is essential for American agriculture and energy security, U.S. technology leadership, our global posture in the Arctic, ocean observing and exploration, and the next generation of American scientific talent.

Mr. Chairman and members of the subcommittee, I greatly appreciate the opportunity to share our recommendations, and I encourage you to continue your longstanding bipartisan support for science funding in the fiscal year 2016 budget and into the future.

Below is a list of the institutions that are represented by the Consortium for Ocean Leadership.

Alabama

Dauphin Island Sea Lab

Alaska

University of Alaska Fairbanks
Alaska Ocean Observing System
North Pacific Research Board

California

Bodega Marine Lab
Monterey Bay Aquarium Research Institute
Moss Landing Marine Laboratory
Naval Postgraduate School
Stanford University
University of California, Santa Barbara
University of California, Santa Cruz
University of California, San Diego (Scripps)
University of Southern California
Aquarium of the Pacific
Hubbs-SeaWorld Research Institute
Romberg Tiburon Center for Environmental Studies
Esri
L–3 MariPro, Inc.
Liquid Robotics, Inc.
Teledyne RD Instruments

Colorado

Cooperative Institute for Research in Environmental Sciences (CIRES)

Connecticut

University of Connecticut

Delaware

University of Delaware
Mid-Atlantic Regional Association Coastal Ocean Observing System (MARACOOS)

Florida

Florida State University
Harbor Branch Oceanographic Institute at FAU
Mote Marine Laboratory
University of Florida
University of Miami
University of South Florida
Earth2Ocean, Inc.
Florida Institute of Oceanography
Nova Southeastern University

Georgia

Skidaway Institute of Oceanography of the University of Georgia
Savannah State University

Hawaii

University of Hawaii

Illinois

John G. Shedd Aquarium

Louisiana

Louisiana Universities Marine Consortium (LUMCON)
Louisiana State University

Maine

Bigelow Laboratory for Ocean Sciences
University of Maine
The IOOS Association (formerly NFRA)

Maryland

University of Maryland Center for Environmental Science
Johns Hopkins University
Marine Technology Society
National Aquarium

Massachusetts

Massachusetts Institute of Technology
University of Massachusetts
Woods Hole Oceanographic Institution

Michigan

University of Michigan

Mississippi

University of Mississippi
University of Southern Mississippi

Nebraska

University of Nebraska, Lincoln

New Hampshire

University of New Hampshire

New Jersey

Rutgers University

New York

Columbia University (LDEO)
Stony Brook University

North Carolina

Duke University Marine Laboratory
University of North Carolina, Chapel Hill
University of North Carolina, Wilmington
East Carolina University
North Carolina State University

Oregon

Oregon State University

Pennsylvania

Pennsylvania State University

Rhode Island

University of Rhode Island

South Carolina

Belle W. Baruch Institute for Marine and Coastal Sciences
South Carolina Sea Grant Consortium

Texas

Harte Research Institute
Texas A&M University
University of Texas, Austin
Fugro
Sonardyne, Inc.

Virginia

College of William and Mary (VIMS)
Old Dominion University
CNA
Institute for Global Environmental Strategies (IGES)
U.S. Arctic Research Commission
CARIS, USA
SAIC

Washington

University of Washington
Sea-Bird Scientific

Washington, DC

National Ocean Industries Association (NOIA)
Southeastern Universities Research Association (SURA)

Wisconsin

University of Wisconsin-Milwaukee, School of Freshwater Sciences

Australia

Institute for Marine and Antarctic Studies (IMAS) at the University of Tasmania

Bermuda

Bermuda Institute of Ocean Sciences (BIOS)

Canada

Dalhousie University
University of Victoria

PREPARED STATEMENT OF THE FISH LOCALLY COLLABORATIVE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Members and supporters of the Fish Locally Collaborative appreciate the opportunity to submit comments on the proposed fiscal year 2016 budget for the National Marine Fisheries Service. The Fish Locally Collaborative (FLC) is a network of fishing communities, including fishers, processors, marketers, families, scientists, and seafood consumers, with over 400 individuals representing 60 organizations and networks, and over 400,000 fishing families spanning the globe. The FLC does not speak as a unified voice on all matters, but rather seeks to collaborate, research, and learn from each other in developing new solutions and policy directives in sustainable fisheries.

FLC VALUES AND PERSPECTIVES

The FLC is committed to restoration of marine ecosystems, fishing communities, and a fair seafood value chain. The network values a genuine democratic and bottom-up approach to fisheries management, which is needed to achieve healthier ecosystems and ensure a diverse fleet that maximizes value to fishing communities, local economies, and the food system. Success will be achieved when appropriate management tools are made available, fishermen's local knowledge is accounted for in the decision-making process, and the scale of fishing matches the scales of the ecosystems.

The fishing industry includes ports, fleets, processors, fish workers, and people who eat seafood. Our Nation benefits from strong coastal communities (both rural and urban) and measuring a fisherman's impact needs to include the triple bottom line with an increased focus on community (social) values and benefits. Large-scale corporate interest and control over access to fisheries hurts marine ecosystems, hurts local economies, hurts the seafood value chain, and divides fishing communities.

The Magnuson Stevens Fisheries Conservation and Management Act establishes goals and describes national benefits in terms of fish stocks, habitat protection, port economies, and seafood, but current management has focused primarily on fishing and its impact on habitat, to the relative exclusion of community benefits and healthy seafood.

While cutbacks in allowable catch driven by 10-year rebuilding plans have received the greatest attention as the cause of economic distress in the fishing fleets and ports, the current management system has exacerbated these difficulties greatly, particularly for community-based and family-owned boat fishermen, through such mechanisms as: stock assessments unable to deliver reliable predictions and management alternatives; failure to assess non-fishing impacts, such as climate change, pollution, and ecosystem dynamics; collapsing prices due to cheap foreign imports, high-volume extractive fisheries, and weak domestic markets for local seafood; inflexibility in shifting effort of the fleet to other species; regulations that fail to protect the discrete, local fish populations that are so important to community-based and family-owned boats; pressure from real estate development in working waterfronts; and high fuel and other costs of fishing.

WORK OF THE FLC

FLC members are active in researching and creating new models and practices to address a range of needs and opportunities, including: protection of fleet diversity, multi-species harvesting and community-based management approaches; local food system development, such as expanding markets for hospitals, schools, colleges; creating the Community Supported Fishery (CSF) model and replicating it widely; working waterfront protection; value-added product development and waste recovery; ocean planning and decisionmaking. We also reach out to and are informed by experts and practitioners in the farming sector and other related fields of institutional, market, financial, and technology innovation and reform.

COMMENTS ON THE PROPOSED FISCAL YEAR 2016 NMFS BUDGET

It is from this foundation of values, perspectives, and capacity that FLC members and supporters offer specific comments on the proposed fiscal year 2016 NMFS budget.

I. Habitat and Ecosystem-Based Management

A. The FLC offers support for the proposed $5.0 million increase in funding for Ecosystem-based Solutions for Fisheries Management, in particular the language in the Blue Book suggesting that "this integrated, cross-disciplinary, and cross-line office scientific initiative will promote understanding of the importance of inshore and offshore habitat to the productivity and recovery of fisheries and protected species."

The FLC supports this initiative because it can begin to address non-fishing impacts more adequately, in particular the relationship of healthy ocean habitat to healthy fish stocks. Current fisheries management is obligated to manage healthy fish stocks and yet they are not required to address non-fishing impacts such as climate change, pollution, deforestation, mining, and oil and gas exploration, which all have enormous effects on fish population. The narrow approach and micro-focus on controlling fishing pressure in order to maintain healthier fish populations places a disproportionate level of blame and responsibility on fishing businesses and deflects responsibility from large-scale polluters, in particular.

B. The FLC opposes $5.7 million in increased funding for Consultation and Essential Fish Habitat Implementation Capacity, that is intended "to reduce delays and streamline permitting and review timeframes". FLC members are well aware that proposals are fast-emerging for sand mining, oil and gas drilling, offshore aquaculture, and other extractive industries, all of which would threaten to damage fish stocks, marine mammals, habitat, and ocean health more generally. Ocean planning efforts have only just begun in the regions, and it is already clear that the research and knowledge base for properly assessing permit applications is not available. "Zoning" and privatized, long-term leasing of the ocean are also not yet justified as consistent with adaptive, ecosystem-based management principles that NOAA itself espouses.

The ocean is a dynamic and integrated ecosystem, just beginning to experience the impacts of climate change and acidification. The precautionary principle—that when there is scientific uncertainty, a heavy burden of proof rests on the industry—should be the guiding framework at this time. Consultation on permitting should be delayed until a significantly stronger framework for adaptive, ecosystem and community-based management is developed that protects and enhances the public trust in the ocean is developed. We therefore recommend that permitting activities be undertaken cautiously until additional studies are completed and more stringent standards, including for habitat protection, are formulated.

C. NMFS has also requested $2.0 million in additional funds to support Domestic Seafood Production and Jobs through Aquaculture. FLC members generally support expanded shellfish aquaculture, in particular oyster reef restoration that provides multiple benefits in restoring ocean health and providing jobs and food, but would oppose an accelerated permitting of offshore finfish aquaculture, with its history of pollution and relatively unsafe product. FLC members oppose long-term leases that would be tantamount to privatization of the ocean. Any funding made available to the Agency should be directed to further research and pilot projects, including for the potential for polytrophic, multi-species and clean initiatives that both supply healthy seafood and restore habitat.

II. Catch Share Programs and Community Resilience

The NMFS budget proposal includes a $2.2 million increase in funding for the National Catch Share Program, with a justification that "the implementation of catch share programs can yield efficiencies that lower fisheries management costs and increase the profitability of fisheries over time." The NOAA budget also includes funding for a $50 million Regional Coastal Resilience grants program, to develop community, ecosystem, and economic resilience.

FLC members and supporters strenuously object to these goals for Catch Share management, in particular profit maximization, and respectfully suggest that they are in direct conflict and contradiction with NOAA's overarching mission to support and develop community resilience.

On-the-ground experience and recent academic literature both demonstrate that Catch Share programs are consolidating fisheries access into fewer and larger-scale businesses to the exclusion of owner-operator, younger generation, and independent fishermen and to the detriment of crew. This consolidation creates a disproportionate loss of fisheries access to rural communities, loss of capacity and infrastructure in fishing ports, negative ecological impacts, and loss of food access.

We therefore suggest that funding under the Catch Share program be utilized, in partnership with fishing communities and stakeholders, to research the full suite of economic, environmental and social costs imposed on communities and consumers of seafood by the single-minded focus on profit maximization and to explore and de-

velop mechanisms for modifying or ending Catch Shares where they have not worked as predicted, and to develop criteria and standards for "Fishing Community" and "Regional Fishery Associations", fishing community sustainability plans, and fleet diversity protections.

III. Collaborative Research

For 2 years, the Senate Appropriations Report has encouraged NMFS to "expand the Agency's activities in chartering commercial fishing vessels to serve as research and fishery survey vessels." While NMFS and NOAA leadership have indicated their support for collaborative research, little has been done to expand partnerships to date.

It has come to our attention that there are several impediments to collaborative research that the subcommittee could address. NOAA has directed in recent years that all collaborative research projects involving the fishing industry and academic institutions be managed through a competitive grants program and short-term awards. The FLC recommends, based on conversations with both current and former NMFS Science staff and outside researchers, that the subcommittee encourage the development of cooperative agreements on a multi-year basis, as other Federal agencies do. Only cooperative agreements will allow for a genuine partnership to emerge and for all parties to co-draft research plans that incorporate requirements and insights from all parties, including NMFS.

FLC members strongly recommend that an emergency action be take to coordinate a fisheries dependent and independent data collection effort as input to more reliable stock assessments, in cases, such as cod in the Northwest Atlantic, where data is sparse and current management cutbacks on allowable quota are causing severe economic and social distress in the fishing industry and port communities.

IV. Saltonstall-Kennedy Funding

FLC members support continued increases in funding for the Saltonstall-Kennedy grants program for research and development in harvesting, processing, and marketing. In particular, we encourage projects to develop a strong local seafood system, community-based and multi-species fisheries management innovations that diversify catch and develop markets for under-utilized species, value-added and waste recovery product development, shellfish and polytrophic aquaculture pilot projects, boat designs that increase fuel-efficiency and promote safety and use of sustainable technology, and programs to increase access of independent-operator and young entrants.

These comments were based on two prior policy-related letters signed by numerous Fish Locally Collaborative members and supporters throughout the country. The first was a letter on Magnuson-Stevens reauthorization submitted to Congressmen John Tierney and Peter DeFazio on August 13, 2014; the second a public comment letter submitted to the Greater Atlantic Regional Fisheries Office re the GARFO Draft Strategic Plan.

Links to these letters and signatories can be found at:

Congressmen Tierney and DeFazio:
https://drive.google.com/file/d/0BwT-fcX3Ff5VTVVlTDBQYW1ZWE0/view?usp=sharing.

GARFO letter:
https://drive.google.com/file/d/0BwT-fcX3Ff5VYjBnN2laUXd5ZTA/view?usp=sharing.

Signatories include fishermen, academics, seafood business owners, seafood consumers, and advocates from both East and West Coast States and organizational supporters include the American Sustainable Business Council, Slow Food USA, Health Care Without Harm, and others.

[This statement was submitted by Valerie I. Nelson, Ph.D., Policy Transformation Working Group Organizer-FLC.]

PREPARED STATEMENT OF THE JOINT OCEAN COMMISSION INITIATIVE

Chairman Shelby, Ranking Member Mikulski, and other distinguished Members of the Subcommittee on Commerce, Justice, Science, and Related Agencies, we thank you for the opportunity to submit written testimony regarding the fiscal year 2016 Commerce, Justice, Science, and Related Agencies appropriations bill. The Joint Ocean Commission Initiative is a collaborative, bipartisan effort to catalyze meaningful ocean policy reform and action at the national, regional, and State levels. Established in 2005, the Joint Initiative promotes, maintains, and updates the

important work of the U.S. Commission on Ocean Policy and the Pew Oceans Commission. Our 2013 report, Charting the Course: Securing the Future of America's Oceans, contains recommendations to improve the management of our ocean resources that are echoed here.

The Joint Initiative is highly appreciative of the progress your subcommittee has made in providing incremental but substantive additional resources to critical ocean and coastal accounts. We are acutely aware of the challenges you face addressing the funding needs of all the programs within the jurisdiction of your subcommittee. The Joint Initiative believes a continued commitment to protecting base funding and core programs at the National Oceanic and Atmospheric Administration (NOAA), National Science Foundation (NSF), and National Aeronautics and Space Administration (NASA) that help manage, protect, and better understand our Nation's oceans and coasts and the Arctic is an investment in the future of our country that will provide significant economic, social, ecological, and national security benefits. Among the many ocean and coastal programs under your jurisdiction, we urge that maintaining and increasing investment in the following programs be prioritized in fiscal year 2016 appropriations.

COASTAL RESILIENCE

The Joint Initiative strongly supports increasing NOAA's overall budget to $6 billion, and in doing so maintaining the recent trend toward balancing NOAA's portfolio to emphasize ocean and coastal priorities. For example NOAA's National Ocean Service (NOS) would be increased in NOAA's fiscal year 2016 budget by nearly $60 million to $574 million. Specifically, within NOS, we ask you to consider funding the Regional Coastal Resilience Grant program consistent with NOAA's fiscal year 2016 budget request at $50 million, a $45 million increase from the fiscal year 2015 proposal. An important element of this program is its ability to provide competitive funding to support multi-State regional ocean partnerships that coordinate data sharing and decisionmaking across jurisdictions, implement innovative solutions to shared priorities, and effectively engage ocean and coastal stakeholders.

These partnerships are increasingly critical as States and communities confront challenges such as ocean acidification, sea level rise, competing demands for ocean resources, burgeoning populations along our coasts, and increasing threats from extreme weather events. Resilient coastal communities are not only able to minimize loss and negative impacts to life, property, and the coastal ecosystem, they are also able to quickly return residents to productive activities and restore essential services. This is imperative to facilitating full and timely economic, social, and environmental recovery. Fully funding this program will enable NOAA and its partners to address a suite of challenges, including a more efficient application of limited resources to ensure the health of our oceans and coasts.

OCEAN ACIDIFICATION

The Joint Initiative believes the inclusion of $30 million in the NOAA budget for the Integrated Ocean Acidification program is essential to help us begin to address the chemistry, variability, and impact of acidification on the marine environment. Ocean acidification is a global problem needing global solutions, and it is occurring along every shoreline in the United States. While shellfish and coral reefs receive most of the attention related to ocean acidification, fisheries, aquaculture, and coastal ecosystems and economies around the Nation will be greatly affected. Funding the Integrated Ocean Acidification program at NOAA at increased levels will allow us to measure and assess the emerging threat of ocean acidification, better understand the complex dynamics causing and exacerbating it, work to determine its impact, and develop mechanisms to address it.

ARCTIC

The Joint Initiative recommends that Congress make a significant investment through the fiscal year 2016 appropriations bill toward implementation of the National Strategy for the Arctic Region. This will support the United States chairmanship of the Arctic Council over the next 2 years, and lay the groundwork for sound international management of the region while protecting a sensitive and rapidly changing ecosystem. Increased funding for Federal agencies operating in the Arctic, such as NOAA and NSF, is essential to our international leadership in the region and will enable cross-cutting efficiencies with the Coast Guard, the Navy, and the Department of the Interior.

The Joint Initiative is convening an Arctic Ocean Leadership Roundtable with U.S. Arctic leaders and key stakeholders from multiple sectors to generate ideas for how local, State, and regional work can inform and influence national policy with

regard to Arctic ocean and coastal issues. Many of the ideas generated in this forum can be implemented with increased investment in the Arctic. Such investment can also encourage better collaboration with State and local governments, Alaskan Native leaders, and industry to improve the ability of commercial entities to operate safely in the region and ensure effective response and recovery in the event of a natural or human-caused disaster. This includes improving coordination and data-sharing on oil spill planning, preparedness, and response, vessel tracking, and search-and-rescue, as well as investment in new icebreakers, aircraft, and shore-based infrastructure. Additionally, funding Arctic-related programs at NOAA enables a range of important services essential to our understanding of the Arctic including ocean observation services, weather and sea ice predictions, mapping and charting, and sound management of marine resources.

SUSTAINED OCEAN OBSERVATIONS

We are strongly supportive of enhanced capabilities for NOAA's Office of Oceanic and Atmospheric Research (OAR), the Integrated Ocean Observing System, and similar programs at NSF. Specifically we ask you to consider funding OAR at $500 million to support the continued and enhanced operations of this vital program. This funding is central to NOAA's ability to accurately forecast weather, enable communities to plan for and respond to climate events such as flooding and drought, and protect and manage the Nation's coastal and ocean resources.

Funding NOAA's Sustained Ocean Observations and Monitoring program under this account at $42 million will provide information essential for accurate forecasting of hurricanes, typhoons, flooding, heat waves, and wildfires. For example, data and analyses of ocean and atmospheric conditions are increasingly used for drought early warning systems, enhanced tsunami warning systems, and storm surge monitoring. Ocean observations are also imperative for calibrating and validating satellite observations. Maintaining baseline ocean observations in support of weather and regional predictions, fisheries management ecosystem studies, tide and current monitoring, and sea level change is essential. Sustained ocean observations will help maintain the continuity of long-term data sets that are essential for ensuring that communities are able to respond and adapt to a rapidly changing world, both today and into the future.

SUSTAINABLE FISHERIES

In 2006 Congress made the bold decision to end overfishing once and for all by amending the Magnuson Stevens Fisheries Conservation and Management Act to require annual catch limits and associated accountability measures to be implemented for all federally managed fisheries. Through the commitment and tireless efforts of our fishermen, fishery management councils, scientists and managers, the U.S. is poised to achieve this historic milestone in natural resource management. With the investment in stock assessments, cooperative research and innovation, and science-based management, the U.S. model of fisheries management has become an international hallmark for addressing the ecological and economic sustainability challenges facing global fisheries. The Joint Initiative supports domestic and international efforts to fully implement the recommendations in the Presidential Task Force on Combating IUU Fishing and Seafood Fraud, along with similar efforts for enhanced enforcement like the Trans-Pacific Partnership. The end of chronic overfishing means healthier ocean ecosystems and a brighter future for fishermen and coastal communities. The Joint Initiative asks the subcommittee to consider restoring funding for NOAA's National Marine Fisheries Service (NMFS) at the requested level of $990 million, allowing it to continue movement towards sustainable management of fish stocks within the U.S. Exclusive Economic Zone.

OCEAN EXPLORATION

The Joint Initiative appreciates the subcommittee's long standing support of ocean exploration at NOAA and requests that you provide $28 million for the Ocean Exploration program, consistent with funding in fiscal year 2015, to increase the pace, scope, and efficiency of exploration. This would be $9 million above the NOAA budget request for fiscal year 2016. A bipartisan effort since inception, the Ocean Exploration program was strongly endorsed by Congress when created in 2002. The program has greatly contributed to our knowledge of the ocean, producing Arctic surveys which enabled the U.S. to argue for an extension of our own Exclusive Economic Zone; baseline characterization of the *Deepwater Horizon* site in the Gulf before and after the oil spill; discovery of new gas hydrates stretching from Cape Cod to Cape Hatteras, with implications for coastal hazards and ocean acidification; and new fishery habitat maps off the Northeast.

SCIENCE, RESEARCH, AND EDUCATION

The Joint Initiative calls attention to the need for consistent and dedicated funding for ocean science, research, and education. We ask you to increase funding for ocean science infrastructure, research, and grant programs at NOAA, NSF, and NASA that are working to improve our understanding of critical physical and biological ocean processes. These programs provide local, State, and national decision makers with the information they need to make informed decisions. The Joint Initiative also urges you to fund education programs at increased levels. Ocean education efforts are critical for cultivating current and future ocean stewards, especially given the growth in careers that require ocean-related education and knowledge.

In particular, we encourage you to provide $7.7 billion for the NSF, including $1.365 billion for the Geosciences Directorate and its Division of Ocean Science. NSF's investment in the geosciences has spurred innovations, addressed important national and global challenges, spurred new economic sectors, and led to the development and implementation of advanced technologies that save lives, protect property, and support our economy. For example, investments supporting basic research in mathematics, physical sciences, computer sciences, and geosciences, have led to the development of sophisticated models, satellites, radar, and instrumentation that has greatly improved hurricane forecasting, now allowing for nearly a week of preparations by cities, businesses, institutions, and undoubtedly saving lives.

We also urge $1.95 billion in funding for the NASA's Earth Science Division, up from $1.77 billion in fiscal year 2015 to support critically important ocean and coastal science and education. NASA satellites can view Earth as a planet and enable the study of it as a complex, dynamic system of diverse components: the oceans, atmosphere, continents, ice sheets, and life. Through partnerships with agencies that maintain forecasting and decision support systems, NASA improves national capabilities to predict climate, weather, and natural hazards; manage resources; and support the development of environmental policy.

CONCLUDING REMARKS

The Joint Initiative greatly appreciates your commitment to stretching scarce resources to address the challenges of a maritime nation. We will continue to track progress in advancing key ocean and coastal programs and accounts in fiscal year 2016 and beyond. Recommendations from "Charting the Course" and other reports from the Joint Initiative identify specific areas of achievement and deficiency. Implementation of the recommendations will secure the future of our Nation's ocean ecosystems, and the critical resources they provide, and ensure that they will be abundant and able to support America's ocean, coastal, and Great Lakes economies and the jobs and communities on which our Nation depends.

Thank you for considering our requests as the subcommittee begins it fiscal year 2016 appropriations process. The Joint Initiative appreciates your attention to this matter and stands ready to assist you in advancing positive and lasting changes in the way we manage our Nation's oceans and coasts.

Joint Initiative Co-Chairs and Leadership Council Members

The Honorable William Ruckelshaus | The Honorable Norman Mineta

Frances Beinecke | Don Boesch | Lillian Borrone | The Honorable Norm Dicks
Quenton Dokken | Vice Admiral Paul Gaffney | Robert Gagosian | Sherri Goodman
Scott Gudes | The Honorable Conrad Lautenbacher | Margaret Leinen
Christopher Lischewski | The Honorable Jane Lubchenco | Julie Packard
The Honorable Leon Panetta | John Pappalardo
The Honorable Pietro Parravano | Diane Regas
Randy Repass | Andrew Rosenberg | The Honorable Christine Todd Whitman

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF MARINE LABORATORIES

The National Association of Marine Laboratories (NAML) is pleased to submit testimony to the subcommittee with a series of recommendations that we believe would strengthen the Nation's research and education enterprise. NAML is a nonprofit organization representing the ocean, coastal and Great Lakes interests of member lab-

oratories that employ thousands of scientists, engineers and professionals nationwide. NAML labs conduct high quality research and education in the natural and social sciences and translate that science to improve decisionmaking on important issues facing our country. NAML's priorities are drawn from and strongly support two important reports from the National Academy of Sciences. They are: *Sea Change: 2015–2025 Decadal Survey of Ocean Sciences (DSOS); and Enhancing the Value and Sustainability of Field Stations and Marine Laboratories in the 21st Century.* Specific priorities germane to NAML labs are:

—Enhance science, education and public engagement at marine labs by supporting the continued development of their unique assets and qualities that allow them to prepare the next generation of scientists, expand opportunities for active learning and collaborative research, and explore a wide range of approaches to engage the public. This includes strong sustained support for competitive merit-based ocean, coastal, and Great Lakes research provided by relevant Federal agencies to address the research priorities identified in DSOS;

—Promote a network for discovery and innovation via Federal and non-Federal support to build and maintain a modern infrastructure for research, education, and networking including advanced Internet connectivity and cyber infrastructure;

—Pursue financial sustainability by developing business plans that foster the unique value of marine labs, creating mechanisms to establish reliable based funding, and diversifying approaches to obtain supplemental support—such as a national partnership program to co-locate Federal scientists and infrastructure at NAML facilities; and

—Develop metrics for demonstrating the impact of marine labs in research, education, and public engagement.

THE ROLE OF MARINE LABORATORIES IN THE NATION'S RESEARCH AND EDUCATION ENTERPRISE

"Field stations are national assets formed by the unique merger of natural capital, intellectual capital, social fabric, and infrastructure that leads to the important scientific endeavors required if we are to understand our rapidly changing natural world". Enhancing the Value and Sustainability of Field Stations and Marine Laboratories in the 21st Century.

Ocean, coastal and Great Lakes marine laboratories are vital, place-based "windows on the sea." They connect communities with cutting edge science, while providing students and citizens with meaningful learning experiences. The members of NAML work together to improve the quality and relevance of ocean, coastal and Great Lakes research, education and outreach. NAML seeks support for the following activities:

—The conduct of basic and applied research of the highest quality, making use of the unique capabilities of coastal laboratories in conducting education, outreach and public service;

—Balanced support of research with infrastructure with particular emphasis on cost-effective networking of capabilities;

—Encouragement of effective management and conservation of marine and coastal habitats and resources using ecosystem-based management approaches that restore ecosystem health;

—Observing systems that collect data needed to improve predictions of natural and human caused disasters and support the management of marine resources for the benefit of environmental and human health needs; and

—Education and training.

OCEANS, COASTS AND GREAT LAKES ARE VITAL FOR ECONOMIC GROWTH AND THE WELL-BEING OF THE NATION

More than half of the United States population lives in coastal counties that generate 58 percent ($8.3 trillion) of the Nation's gross domestic product (GPD). In 2011, Americans, on average, ate 15 pounds of fish and shellfish per person—4.7 billion pounds all together—making the U.S. second in the world in total seafood consumption. Offshore oil production in the U. S. Exclusive Economic Zone accounts for 24 percent of the total U.S. crude oil production. If American coastal watershed counties collectively comprised a single country, that country would have a GDP higher than that of China. The United States has jurisdiction over 3.4 million square miles of oceans—an expanse greater than the land area of all 50 States combined. This is a dynamic area that offers a mosaic of biologically diverse habitats that provide a wealth of environmental resources and economic opportunities, while at the same exposing human and biological communities to hazards such as dam-

aging tsunamis and hurricanes, industrial accidents and outbreaks of water borne pathogens. The 2010 Gulf of Mexico *Deepwater Horizon* oil spill and Sandy in 2012 are vivid reminders that the depth of our understanding of our oceans and coastal areas, and our ability to protect them, is far from complete. Developing sufficient capabilities to sustain ocean-based economies and protect our coasts and coastal communities from natural and man-made hazards requires a sustained, balanced investment in research, infrastructure, education, and training.

The Great Lakes region boasts a massive geographic footprint, and is a major driver of the North American economy. With economic output of $4.7 trillion in 2011, the region accounts for 28 percent of combined Canadian and U.S. economic activity. By comparison, the region's output ranks ahead of Germany, France, Brazil and the U.K., and it would rank as the fourth largest economy in the world if it were a country, behind only the U.S., China and Japan. The Great Lakes are responsible for nearly 1 million manufacturing jobs; 217,000 jobs in tourism and recreation; over 100,000 in shipping; over 110,000 in agriculture, fishing and food production and about 10,000 related to mining. Understanding the complexity of the Great Lakes is vital for the future health and well being of this region of the country.

INVESTING IN RESEARCH

NAML believes America is driven by innovation—advances in ideas, products and processes that transform existing economies, create new industries and jobs, and contribute to our Nation's ecological and economic health and security. It is essential that the Nation reaffirms and revitalizes the unique partnership that has existed between the Federal Government, the States, business and the Nation's research and education enterprise. Investing in the Nation's research enterprise has contributed significantly to our long-term prosperity and technological pre-eminence through research spanning a landscape of disciplines, from physics to geology, chemistry to biology, engineering to social sciences, and observing to modeling. NAML believes that research and education programs at the major Federal science agencies with ocean and coastal responsibilities should be viewed as priority investments in the future health and well being of the Nation. Much attention has been focused justifiably on the need for our Nation to continue its support of premier basic research programs. It is also important to maintain strong support for mission-oriented ocean, coastal and Great Lakes research that includes long term observing programs. Research programs that enhance agency missions and support the extramural community in competitive, merit-based research provide highly cost-effective returns on investment and distribute economic and societal benefits over a broad array of communities. Further, NAML believes that developing exchange programs between Federal agencies and marine laboratories will further strengthen the communication and capacity of both for the benefit of the ocean science and management enterprise.

Programs that support the extramural community via competitive, merit-based research provide highly cost-effective returns on investment, leverage additional resources to meet science and management priorities, and distribute economic and societal benefits over a broad array of communities. While the National Oceanic and Atmospheric Administration (NOAA) has acknowledged his assertion on many occasions, its extramural support for its partners has continued to decline relative to the agency's bottom line. From background information developed for the NOAA Science Advisory Board's R&D Portfolio Review Task Force support by the Office of Oceanic and Atmospheric Research (OAR) for extramural R&D has declined by $60 million since 2005—from $171.6 million to $107.1 million while the percentage of OAR's research activities to support extramural programs has dropped from just over 50 percent down to 34 percent of the total. In the National Ocean Service (NOS), support for extramural R&D has declined from a level of $21.6 million in 2005 to $13.7 million in 2011 while intramural support has grown from a level of $53 million in 2005 to a level of $58 million in 2011. Moreover NOAA has repeatedly proposed the termination of numerous extramural programs—such as the John H. Prescott Marine Mammal Grants program—and the consolidation of research programs—such as Ocean Exploration and Research—which has led to the dramatic reduction in extramural research and education support.

Beyond cutting back on its extramural support, NOAA now seeks permission to "receive and expend funds made available by, any . . . private organization, or individual (proposed Section 108 of the General Provisions in the NOAA Section of the *Appendix to the Fiscal Year 2016 Budget,* page 218)." This would enable NOAA to compete against non-Federal and private entities for private sector support. Thus not only is NOAA cutting back its own support, it intends to further exacerbate the situation by competing against its partners for the limited available non-Federal re-

sources needed to fill the gaps created by NOAA's decision to scale back its extramural support. NAML urges the subcommittee to restore to the maximum extent possible NOAA support for its extramural research, education, and other related programs while also limiting NOAA's ability to compete with the private sector for non-Federal resources needed for research, education, and conservation programs.

INVESTING IN RESEARCH INFRASTRUCTURE

NAML believes that a comprehensive range of ocean and coastal research infrastructure is essential to meet growing demands for scientific information and to ensure that we restore and maintain ecosystem health to support safe, efficient, and environmentally sustainable use of our ocean, coastal and Great Lakes resources. Most marine laboratories operate independently of one another. Greater networking with other marine laboratories, field stations, and other research centers would leverage resources to facilitate discovery and spark innovation. Networking would also allow institutions to share best practices, protocols, and platforms for data archiving and retrieval. Such networking has the potential to open new arenas of scientific inquiry, education, and outreach. It can capture social and intellectual capital to tackle major questions and seize opportunities as no single marine laboratory can, and it enhances creativity and innovation by attracting a wide range of scientists and promoting multidisciplinary collaboration. The most successful and sustainable networks start small and are self-defining; they encourage reciprocity among network members. Networking can facilitate the development and diffusion of knowledge and technology in a way that encourages innovations. It is also important to appreciate that marine laboratories vary in scope, size, infrastructure requirements, and purpose; each contributes to the global portfolio in distinct ways. Internet connectivity and cyberinfrastructure are two neglected and underdeveloped elements of infrastructure. One common element, however, in need of attention is Internet connectivity and cyberinfrastructure, which would facilitate data sharing and analysis. Installation of new cyberinfrastructure requires data-management and data-sharing plans and conformity of data with widely used metadata standards. Such infrastructure also requires a long-term funding commitment for repair, upgrades, and technical support.

INVESTING IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) EDUCATION

NAML's education mission is two-fold. First, it is to enhance ocean STEM education to ensure that all citizens recognize the reciprocal effects of the oceans, coasts and Great Lakes on their own lives and the impacts citizens have on these environments. Second, it is to provide formal research and training opportunities at K–12, college, and post-graduate levels to ensure a scientifically savvy, technically qualified, and ethnically diverse workforce capable of solving problems and answering questions related to the protection, restoration and management of coastal and ocean ecosystems, climate variability, and societal needs. An informed and engaged public is essential for the Nation to address complex ocean- and coastal-related issues, balance the use and conservation of marine resources, and maximize future benefits from the ocean. Public understanding of human impacts on the marine environment should be balanced with recognition of the benefits to be derived from well-managed ocean resources. Ocean-related education is by its nature interdisciplinary, involving many of the natural sciences and the human connection to natural resources. It can increase overall science literacy and enhance the Nation's health, standing, safety and security. NAML laboratories seek to expand the engagement of individuals from groups that have been historically under-represented in ocean research, education and outreach. This is particularly important in fulfilling the goal of achieving a diversified STEM pipeline to meet future science and ocean workforce needs.

NAML remains concerned with the administration's STEM Education Consolidation proposal for fiscal year 2016. A total of 20 STEM education programs at eight key R&D mission agencies (including the National Oceanic and Atmospheric Administration, National Science Foundation, and National Aeronautics and Space Administration) will be impacted by this proposal. It is important for mission agencies to help support the next generation of scientific and technical talent—much of which will be needed by these agencies in future years. We urge the subcommittee to reject these consolidation proposals and support the continuation of these programs within their current agencies.

NAML appreciates the opportunity to present these views to the subcommittee as it begins work on the development of the fiscal year 2016 appropriations bill.

Thank you.

PREPARED STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of the National Congress of American Indians (NCAI), this testimony addresses important programs in the Department of Justice and Department of Commerce. NCAI is the oldest and largest American Indian organization in the United States. Tribal leaders created NCAI in 1944 as a response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native tribes. Since then, NCAI has fought to preserve the treaty rights and sovereign status of tribal governments, while also ensuring that Native people may fully participate in the political system. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the Nation. As Congress considers the fiscal year 2015 budget and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the Federal budget.

INTRODUCTION

Annual funding decisions by Congress are an expression of our Nation's moral priorities. Numerous treaties, statutes, and court decisions have created a fundamental contract between tribal nations and the United States: tribes ceded millions of acres of land that made the United States what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own lands. And for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian tribes and their members.

Part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the Federal budget. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. As governments, tribes must deliver a wide range of critical services, such as education, workforce development, and first-responder and public safety services, to their citizens. The Federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

DEPARTMENT OF COMMERCE

Provide $35 million for the Minority Business Development Agency (MBDA).—Created by Executive Order in 1971, the MBDA was established to support minority business development centers and received funding of almost $63 million to carry out this mission. Since then, MBDA's funding has shrunk by over 50 percent to an estimated $30.5 million for fiscal year 2013 and $29.3 million for fiscal year 2014. After MBDA revamped its cooperative assistance grants to Minority Business Centers (MBCs), the Native American Business Enterprise Centers (NABECs) were eliminated and their services were consolidated with the MBCs. About $13 million of MBDA's budget is disbursed to the MBCs to provide business consulting; advice on business financing; and some procurement technical assistance to minority businesses, entrepreneurs, and tribal enterprises.

With the service gap created by the elimination of NABECs, the need for an increased level of funding for MBDA is even greater. MBDA must sustain and expand support for these centers, which provide important assistance to businesses that help them grow and develop, thereby creating a stronger private sector and healthier national economy. The MBDA also supports minority contractors' teaming efforts to pursue Federal contracts, directs efforts to track minority business data, collaborates with the Office of Native American Affairs, and is increasing its focus on global trade.

Fund the Office of Native American Affairs (ONAA) at a minimum of $1.25 million as part of the Commerce Department Management Budget.—In the late 1990s, the Secretary of Commerce established ONAA within the Secretary's office that was codified by the enactment of the Native American Business Development, Trade Promotion and Tourism Act of 2000 (Public Law 106–464) (the 2000 Act). Since then, funding for the Office has been partial and very limited. In order to carry out its mission, ONAA must receive adequate support to implement Indian policy initiatives and expand Native American business development initiatives both domestically and internationally. Funding made available through Commerce's Departmental Management budget would help ONAA's efforts, particularly given the reduced focus of MBDA on specific Native American business assistance.

CONCLUSION

Thank you for your consideration of this testimony. For more information, please contact Virginia Davis, Senior Policy Advisor, at vdavis@ncai.org, NCAI Budget and Policy Analyst, at aebarb@ncai.org or Brian Howard, Legislative Associate, at bhoward@ncai.org.

PREPARED STATEMENT OF THE NATIONAL ESTUARINE RESEARCH RESERVE ASSOCIATION

Chairman and members of the subcommittee, my name is William Reay and I am the Director of the Chesapeake Bay National Estuarine Research Reserve in Virginia, administered by the Virginia Institute of Marine Science, College of William and Mary. I submit this testimony in my capacity as President of the National Estuarine Research Reserve Association (NERRA). NERRA is a not-for-profit scientific and educational organization dedicated to the protection, understanding, and science-based management of our Nation's estuaries and coasts. NERRA appreciates the support this subcommittee has given to the research reserves over the years. As a result, the research reserves have been able to assist coastal communities and States in becoming more resilient to the ever increasing and complex challenges they face on a daily basis and into the foreseeable future.

For fiscal year 2016, NERRA strongly recommends the following reserve system programs and funding levels within the National Oceanic and Atmospheric Administration (NOAA):

NERRS Operations	$23.9 million
NERRS Procurement, Acquisition, and Construction (PAC)	$1.7 million

The National Estuarine Research Reserve System (NERRS) program bring the strength of both NOAA and partner science and stewardship to important coastal regions across the Nation. NERRS encompasses 28 protected reserves located in estuaries that are home to our most productive habitats and populated communities—that support science-based coastal resource management, research, and education to meet national priorities as mandated by Congress in the Coastal Zone Management Act (CZMA) of 1972. The States have been entrusted to operate and manage NOAA's program in 22 States and Puerto Rico, where over 1.3 million acres of land and water are protected in perpetuity. What distinguishes the research reserves is the community and State implementation of programs and local management of these places that form this Federal-State partnership program.

The administration's fiscal year 2016 request for the NERRS is a total of $21.3 million. This amount will result in a reduction of funding to each State, and will diminish the current capabilities of the program's core operations. Specifically, the administration's request will decrease funding amounts going to each State; reduce water quality monitoring capabilities that coastal dependent communities, businesses and industries rely on; adversely impact the collection of data relating to hazards and sea level rise provided to decision-makers; and, reduce the education and information exchange provided to communities and schools related to coastal resiliency. After reviewing the detailed NOAA budget request sent to the Congress, it is clear that States are inadequately supported to implement this national program and are compromised in their ability to fulfill the vision of Congress in its creation of the NERRS program.

NERRA is deeply concerned with the administration's funding levels that we believe are inconsistent with key tenants of NOAA's own strategic plan—specifically, enhancing community and economic resiliency and strengthening science in support of coastal resource management. The administration's fiscal year 2016 requested funding level will diminish the NERRS's capacity to deliver important research, monitoring data, and education and training to its State, local, and regional partners.

The NERRS program has grown as States identify the coastal needs that must be addressed, and the addition of new reserves has provided more science, training, and education resources that can be applied nationally. At issue is the cost associated with operating 28 reserves nationally has increased given the relatively recent addition of two reserves (Texas and Wisconsin) and a third (Hawaii) in fiscal year 2016, the infrastructure it relies on has aged, and because there is a rapidly increasing need to help local communities address coastal hazards. Without funding, four critical core program areas are at risk.

ESSENTIAL COASTAL RESILIENCY NERRS PROGRAMS IMPACTED BY INADEQUATE FUNDING

1. *Reserve Operations*.—First, the administration budget request flat-funds the program at the fiscal year 2015 level of $21.3 million. Flat-funding in the face of the program adding a 29th reserve in fiscal year 2016 will in effect result in reduced budgets for each of the current reserves. The addition of a new research reserve strengthens the national program by leveraging science, education, and partnerships that will benefit the Nation. Equally troubling is the absence of any mention of the expected expansions in NOAA's fiscal year 2016 budget submission. Along with the new Hawaii reserve, there is one more known—Connecticut—in process for future years.
2. *Coastal intelligence—monitoring and data networks*.—The second program area at risk is maintaining existing System-wide monitoring and data networks that provide immediate and long-term information to understand harmful algal blooms, assess water quality, identify habitat impacts from changing sea levels, aid in weather forecasting, and improve response to storm surge. Hundreds of entities use the NERRS water quality and weather data, including State water quality control programs; county health departments; shellfish growers and fishing industry professionals; the National Weather Service; and, insurance companies.
3. *Sentinel sites provide early detection of change*.—The third program area at risk is helping communities by providing data for early detection of habitat change that helps respond to coastal hazards by integrating monitoring, analysis and modeling to assess current habitat vulnerability, forecast future conditions and aid in the development of adaptive management strategies. Right now reserves are working to understand changes in tidal marshes, mangroves and sea grass beds. These habitats provide a wide range of highly valued ecosystem serves such as nursery habitat for commercial and recreational important fish, erosion and flood control, and water quality improvements.
4. *Educating today's and tomorrow's decision-makers*.—The forth program area at risk is providing relevant and timely science and support tools to decision-makers and to the next generation of scientists, resource managers, business people, and civic leaders. Reserves have prioritized the Teachers on the Estuary professional development opportunity for all 28 reserves that prepare the Next Generation workforce in key disciplines of science, technology, engineering and math (STEM education)—estimated to reach more than 12,000 students annually through this program alone in addition to the 83,000 reached by all education programs conducted by the reserves. Additionally reserves support their communities by providing technical training to local officials and support staff and residents about critical resource management issues such as impending hazards, storm water control, shoreline management, and habitat restoration: in 2014 more than 12,000 decision makers participated in reserve training programs.

MAKING COASTS MORE RESILIENT, SUPPORTING COASTAL ECONOMIES, AND HAVING DIRECT POSITIVE IMPACTS ON COMMUNITIES AND THROUGHOUT THE STATES

Research reserves assist our coastal communities, commercial businesses and industries through enhanced coastal resiliency in a changing environment. As severe weather events become more common, Federal, State, and local officials are recognizing that estuaries have the capacity to provide green resilience infrastructure. Through the reserves, NOAA can tailor science and management practices to enable local planners to use estuarine habitat as a tool for resilience and adaptation. The increase to the NERRS operation funds by $2.6 million above the administration's request is essential to supporting coastal economies and impacting States and their communities.

—The research reserves' operations that include existing high-quality jobs and student internship opportunities, as well as service delivery in 28 communities will be improved through modest additional appropriations by enhanced monitoring technology responsive to changing environments and increased educational efficiency by providing best-practices professional development with decision-maker training and education programs such as Teachers on the Estuary.
—Each research reserve will leverage additional State, local, and private funding to their individual States, and will provide vital local trainings for decision makers, researchers, students and teachers that generates a more resilient coast through improved access to stakeholder driven research, engaging place-based education and information needs.
—With adequate funding, essential water quality data collected by the research reserves will be made available to entities such as local commercial businesses,

industries and government entities who rely upon it via updated monitoring equipment and real-time telemetry technology.

Investments in the NERRS are dollar-smart because funding for the program is matched by the States and leveraged significantly, resulting in an average of more than five other local and State partners contributing to the work at each reserve. In addition, the program significantly benefits from volunteers that are engaged in habitat restoration, citizen science and education which offset operation costs at reserves by donating thousands of hours. Annually, volunteers contribute more than 100,000 hours to the NERRS with an estimated value of over $2.2 million. *Funding of $23.9 million for the NERRS would be a minimal level to provide each reserve with the necessary funding to insure that cuts to the States as well as to existing core programs and services do not occur.*

NERRS PROCUREMENT, ACQUISITION, AND CONSTRUCTION AND THE BAY-WATERSHED EDUCATION AND TRAINING

The NERRS Procurement, Acquisition, and Construction (PAC) funding is designated for land conservation, through acquisition of priority lands, and essential facilities construction and upgrades. This competitive funding program is matched by State funds and has resulted in not only the preservation of critical coastal lands as described above, but also in the increase of construction jobs. For example NERRS creates more than 60 jobs for each $1 million of Federal construction (PAC) money spent. In addition, NERRS leveraged investments of more than $115 million to purchase over 30,000 acres of coastal property over the last 12 years.

Second, within the budget request for NOAA, the administration is again proposing the elimination of funding for the Bay-Watershed Education and Training (B–WET) regional programs—a reduction of $7.2 million in funding. The rationale provided for program reductions is misleading in stating that NOAA education experiences will continue to be provided by programs including the NERRS. Where States are eligible for B–WET funding, reserves are able to increase their educational capacity by as much as 50 percent, as documented in the Chesapeake Bay NERR (VA) for example. The B–WET regional program funding is money that is spent in addition to the annual NERRS money invested in the education programs. The NERRS educate more than 83,000 children annually. *NERRA strongly opposes the cut of B–WET regional programs and any of the other NOAA STEM educational programs.*

CONCLUSION

NERRA greatly appreciates the past support the subcommittee has provided. This support is critical to sustain and increase the economic viability of coastal and estuary-based industries.

With NERRA's fiscal year 2016 request of $23.9 million for the NERRS Operations and $1.7 million for NERRS PAC, the program will be able to maintain delivery of credible scientific research and translation of that research so as to contribute to the resiliency of the natural and built communities and that yields a high rate of return to the 28 reserves around the country. We urge the subcommittee to support this request, and to restore funding for the B–WET regional programs.

Thank you for the opportunity to present these remarks. On behalf of NERRA, I would be happy to answer questions or provide additional information to the subcommittee.

PREPARED STATEMENT OF THE NATIONAL MARINE SANCTUARY FOUNDATION

The National Marine Sanctuary Foundation (NMSF) works with Congress and the National Oceanic and Atmospheric Administration (NOAA) to connect fellow citizens to the underwater places that define the American ocean—the National Marine Sanctuary System. We remain concerned that NOAA's Office of National Marine Sanctuaries (ONMS) has not received sufficient appropriations for several budget cycles. Recognizing the economic growth and job creation benefits provided by sanctuaries, NMSF respectfully requests the subcommittee remedy this situation by appropriating:

—$55 million to the Sanctuaries and Marine Protected Areas Base, within NOAA's Operations, Research, and Facilities account; and

—$5.5 million to the National Marine Sanctuary Program—Construction/Acquisition Base, within NOAA's Procurement, Acquisition, and Construction account.

Joining NMSF in this request is a national network of community-based, nonprofit organizations that support sites within the sanctuary system. On behalf of

their members, the Cordell Marine Sanctuary Foundation (California), Farallones Marine Sanctuary Association (California), Friends of Thunder Bay National Marine Sanctuary (Michigan), Gray's Reef National Marine Sanctuary Foundation (Georgia), Hawai'i National Marine Sanctuary Foundation (Hawaii), California Marine Sanctuary Foundation (California), and Sanctuary Friends Foundation of the Florida Keys (Florida) support funding the National Marine Sanctuary System at these levels (Appendix I).

And with the opening of the sanctuary nomination process, communities nationwide are voicing their support for increased funding for the National Marine Sanctuary System.

Despite a decade's worth of bipartisan support in both houses of Congress that sanctuaries warrant additional funds and the groundswell of public support, the President's fiscal year 2016 budget request continues a disturbing trend of underfunding the sanctuary program. While we recognize the challenges of providing increased funding in the current budget climate, we believe that it fails to address critical sanctuary contributions to job creation and economic growth.

THE NATIONAL MARINE SANCTUARY SYSTEM AND NOAA'S OFFICE OF NATIONAL MARINE SANCTUARIES

Encompassing over 170,000 square miles of marine and Great Lakes waters, the National Marine Sanctuary System includes 13 national marine sanctuaries and Papahānaumokuākea Marine National Monument. Sanctuaries protect vibrant ocean ecosystems, conserve essential habitat for endangered and commercially important marine species, and safeguard historical and cultural resources.

NATIONAL MARINE SANCTUARIES ARE UNIQUE AND SUCCESSFUL OCEAN CONSERVATION TOOLS

Generations of Americans have grown up, worked jobs, and supported their families on the waters of our national marine sanctuaries. Among all the statutes enacted by Congress to govern ocean resources, the National Marine Sanctuaries Act stands alone in terms of the comprehensiveness, community participation, transparency and balanced approach provided for all stakeholders. An independent legal analysis concluded that "the National Marine Sanctuaries Act is the best existing mechanism available for preserving ocean ecosystems," due to sanctuaries' commitment to public participation, community engagement, and use of a place- and ecosystem-based approach.[1]

Unlike other ocean resource laws, the National Marine Sanctuaries Act protects nationally significant places and their natural, historical, and cultural riches. Experience shows that this approach is vital to maintaining the healthy seascapes that underpin our productive economies, supporting thousands of businesses while maintaining public access for recreation, science, exploration, and education.

NATIONAL MARINE SANCTUARIES ARE ECONOMIC ENGINES FOR COASTAL COMMUNITIES

Sanctuaries foster economic growth, support jobs and businesses, generate billions of dollars in local revenue, preserve underwater and maritime treasures, and provide valuable public access for ocean recreation, research, exploration, and education. According to the National Ocean Economics Program, 70 percent of ocean and coastal employment in the tourism and recreation sector depend on visitor opportunities requiring clean beaches, clean water, and abundant fish and wildlife promoted by national marine sanctuaries.

Because of strong ties to the local communities, businesses, and organizations, sanctuaries are able to heavily leverage private funds and contributions for taxpayer benefits, ensuring that the benefits of funding national marine sanctuaries far outweigh the Federal outlays that support them:

—Over 64,000 jobs and $4.5 billion in GDP contributed annually from the marine tourism and recreation sector in the two counties adjacent to Florida Keys National Marine Sanctuary.[2]

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[1] Perkins Coie LLP. (2013). "Area-Based Management of Marine Resources: A Comparative Analysis of the National Marine Sanctuaries Act and Other Federal and State Legal Authorities." Available: http://www.nmsfocean.org/files/ABMReport.pdf.

[2] National Ocean Economics Program. (2011) "Ocean Economy Data." Available: http://www.oceaneconomics.org.

—Over $126 million in whale watching revenue and 600 jobs at 31 businesses resulting from less than $2 million invested in the Stellwagen Bank National Marine Sanctuary off of Massachusetts.[3]
—2,100 jobs and a $291 million budget from marine science and education at the Monterey Bay National Marine Sanctuary, more than 100 times the $3 million investment by taxpayers.[4]
—Over half (58 percent) of visitors to Alpena, Michigan came to visit Thunder Bay National Marine Sanctuary, which is the region's most popular attraction, boasting nearly 100,000 visitors per year.[5]

NATIONAL MARINE SANCTUARIES START AND STAY IN LOCAL COMMUNITIES

Public participation is a hallmark of the sanctuary program. From the sanctuary nomination process to day-to-day management decisions, sanctuaries start and stay in local communities—underscoring ONMS's commitment to community leadership and engagement. Communities have a controlling influence on sanctuary priorities to ensure unique, local circumstances are addressed. Sanctuary rules and regulations are developed on a site-by-site basis, and, from the outset, sanctuaries are designed to accommodate multiple uses of the ocean.

Sanctuaries are created by and for the people: citizens and communities around the Nation recognize the benefits of sanctuaries and express strong interest in establishing sanctuaries in their own waters.

—Over 440 community representatives serve on Sanctuary Advisory Councils with members from the fishing, tourism, and maritime commerce industries; tribes, State and local government; and scientists, educators, and conservationists to provide advice to sanctuary superintendents on sanctuary operations.
—Over 140,000 hours are contributed by local sanctuary volunteers each year in areas of research, monitoring, enforcement, education and outreach, and management advisory.

NATIONAL MARINE SANCTUARIES AND EDUCATION

Through education and outreach programs, sanctuaries function as living classrooms that provide students with the knowledge and tools to act as responsible ocean stewards. Science, technology, engineering and mathematics (STEM) education programs are a key part of national marine sanctuaries mission. Eliminating important education infrastructure, such as NOAA Office of Education's Bay Watershed Education and Training (B–WET) and NOAA's Teacher at Sea program, hinders the ability to deliver meaningful watershed education initiatives in sanctuaries.

We strongly encourage you to oppose any efforts to move or terminate the Dr. Nancy Foster Scholarship Program (NFSP). The direct connections between students and researchers in sanctuaries are critical for the effectiveness of the NFSP. While we support the administration's efforts to recognize efficiencies across STEM education initiatives, NFSP should remain administered by ONMS, as consistent with the National Marine Sanctuaries Act.

NATIONAL MARINE SANCTUARIES' PROGRAMMATIC OUTLOOK UNDER REDUCED FISCAL YEAR 2016 FUNDING LEVELS

Funding decreases and level-funding have resulted in layoffs and cutbacks to mission critical sanctuary programs. A lack of funds may result in cuts to public access and recreation opportunities, reduced operations at visitor centers, cancellation of partnerships, a lack of contingency funding needed in case of emergencies like oil spills, and additional inoperable vessels. Of particular concern are proposals to reduce funding for necessary and ongoing renovation and construction projects.

The potential impact of reducing sanctuary appropriations goes far beyond the individual sanctuaries themselves: limiting visitor center hours, eliminating research

[3] O'Connor, Simon *et al* (2009). Whale Watching Worldwide: tourism numbers, expenditures and expanding economic benefits, a special report from the International Fund for Animal Welfare. Prepared by Economists at Large. Available: http://www.ifaw.org/Publications/Program_Publications/Whales/asset_upload_file841_55365.pdf.

[4] Monterey Bay Crescent Ocean Research Consortium. (2012) "Major Marine Sciences Facilities in the Monterey Bay Crescent-2012." Available: http://web.me.com/paduan/mbcorc/Membership_Info_files/MontereyBayLabs2012-2.pdf.

[5] Source: Molnar, Lawrence. 2013. "Economic Impact Analysis for The National Oceanic and Atmospheric Administration, Thunder Bay National Marine Sanctuary, Final Report." Ann Arbor, Michigan: Institute for Research on Labor, Employment, and the Economy, University of Michigan (July). Available: http://irlee.umich.edu/Publications/Docs/ThunderBayNMS_FinalReport.pdf.

programs, and diminishing enforcement capacities prevents ONMS from fulfilling its statutory mandates, while also reducing the economic activity and job creation from which healthy communities benefit. Funding sanctuaries below NMSF's recommended levels could force the program to:

Reduce public access and recreation opportunities for all Americans: Funding cuts risk the Florida Keys National Marine Sanctuary's 767 mooring buoys, which provide public access and recreational opportunities within the sanctuary while protecting coral reefs and shipwrecks from anchor damage.

Cut visitor center hours: Sanctuary visitor centers act as a public face of NOAA to over 350,000 visitors per year, including Monterey Bay National Marine Sanctuary Exploration Center (California), Mokupāpapa Discovery Center (Hawaii), Great Lakes Maritime Heritage Center (Michigan), and Florida Keys EcoDiscovery Center (Florida).

Cancel education and outreach programs that leverage private funds: Reduced funding jeopardizes education and outreach activities on the water, at sanctuaries and visitor centers, and in classrooms.

NOAA NEEDS SUFFICIENT FUNDS TO FULFILL ITS RESPONSIBILITIES TO THE AMERICAN PEOPLE

We strongly support the Friends of NOAA Coalition request to fund the agency at no less than $6 billion in fiscal year 2016. From weather forecasts to fisheries management, NOAA provides decision makers with critical data, products, and services that promote and enhance the Nation's economy, security, environment, and quality of life. Insufficient funding will only serve to diminish the economic activity and job creation that is successfully revitalizing communities across America.

JASON PATLIS,
President and CEO.

APPENDIX I

MARCH 18, 2015.

Hon. RICHARD C. SHELBY
Chairman, Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
SH–125 Hart Senate Office Building
Washington, D.C. 20510

Hon. BARBARA MIKULSKI
Vice Chairwoman, Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
SD–142 Dirksen Senate Office Building
Washington, D.C. 20510

DEAR CHAIRMAN SHELBY AND RANKING MEMBER MIKULSKI: As Congress begins negotiations on the fiscal year 2016 Commerce, Justice, Science, and Related Agencies appropriations bill, we respectfully request that you prioritize programmatic requests for:

—*Sanctuaries and Marine Protected Areas Base,* within the National Oceanic and Atmospheric Administration's (NOAA) Operations, Research, and Facilities (ORF) account, at a level of $55 million; and

—*Marine Sanctuaries Construction Base,* within NOAA's Procurement, Acquisition, and Construction (PAC) account at a level of $5.5 million.

Sanctuaries embody our Nation's commitment to conserve the best of our ocean, coasts, and Great Lakes. Through their comprehensive, highly participatory approach designed to accommodate multiple uses of our ocean, national marine sanctuaries foster economic growth, support jobs and businesses, generate billions of dollars in local revenues, preserve underwater and maritime treasures, and provide valuable public access for ocean recreation, research, exploration, and education.

The American people have seen the benefits national marine sanctuaries provide for local communities and our Nation and they are voicing their support for sanctuaries. Communities nationwide are coming together to discuss how to protect the ocean, coasts, and Great Lakes by working with the existing sanctuaries and by nominating new sites through the sanctuary nomination process.

Sanctuaries are a proven and successful conservation tool and the return on our investment in sanctuaries is simply too valuable to ignore. Because of the strong ties to the local communities, businesses, and organizations, sanctuaries have been able to heavily leverage private funds and contributions for taxpayer benefits. However, diminishing budgets will force ONMS to reduce economic opportunities, close visitor's centers, cancel collaborative partnerships with museums and universities, terminate education and research initiatives, and diminish enforcement capacities.

In particular, the sanctuary visitor centers, facilities, and vessels supported by PAC funds anchor local tourism and recreation economies and enable ONMS to complete core research, education, and law enforcement missions that simply cannot be accomplished from land alone.

We strongly urge you to remedy this situation by supporting an overall appropriation of no less than $60.5 million for sanctuaries in fiscal year 2016. Your support for national marine sanctuaries will send a powerful and necessary message about the economic growth and job creation benefits of healthy ocean and coastal resources, while simultaneously underscoring the continuing ecological and aesthetic value of America's underwater treasures.

Thank you for your consideration of this request. We wish you all the best for the 114th Congress.

Sincerely,

Jason Patlis, National Marine Sanctuary Foundation; Tom Lambert, Cordell Marine Sanctuary Foundation; Chris Kelley, Farallones Marine Sanctuary Association; Charles N. Wiesen, Friends of Thunder Bay National Marine Sanctuary; Chris Hines, Gray's Reef National Marine Sanctuary Foundation; Lynette Poncin, Hawai'i National Marine Sanctuary Foundation; Dennis J. Long, Monterey Bay and Channel Islands Sanctuary Foundation; George Neugent, Sanctuary Friends Foundation of the Florida Keys

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PREPARED STATEMENT OF THE NATIONAL WEATHER SERVICE EMPLOYEES ORGANIZATION

The employees of the National Weather Service once again urge the subcommittee to reject the administration's proposals to eliminate funding for the Information Technology Officers (ITOs) at our Nation's 122 Weather Forecast Offices, and to reduce funding for the development of the Advanced Weather Interactive Processing System, "AWIPS 2."

As this subcommittee noted when rejecting an earlier proposal to eliminate the ITOs, the "IT staff have proven to be valuable parts of the local weather forecast teams." Senate Report No. 112–158, at 31. But once again, the NOAA budget justification fails to explain how 24 regionally based ITOs can, at a distance, handle the same workload performed by 122 employees who work at the site of the problem. No workload analysis has ever been conducted. This year's budget justification contains the same preposterous claim that the regional team approach will "meet or exceed current service levels" without any factual basis or prototyping. The proposal once again claims that "the current service delivery model has redundancies," but fails to identify a single one.

The subcommittee has rejected such unsupported assurances in the past and has directed the agency to present any proposal to consolidate IT support only as part of a comprehensive plan for future NWS operations. In considering the fiscal year 2014 request, this subcommittee directed NOAA to provide a report that "addresses potential consolidation of NWS IT staff in the context of an overall workforce staffing plan." Senate Report No. 113–78, at 38. In rejecting NOAA's request to eliminate the ITOs last year, this subcommittee wrote:

> This repeated request continues to ignore the subcommittee's direction to provide perspective on how this proposal fits within NWS's broader workforce and modernization plans. The subcommittee also notes that NOAA has not provided the report requested in fiscal year 2014 outlining a multiphase plan for consolidating NWS's information technology operations that would streamline system configuration . . . while resulting in no degradation of service.

Senate Report No. 113–181, at 43. Astonishingly, NOAA has once again requested authority to eliminate the ITOs without providing the report or analysis that this subcommittee said was a prerequisite to its approval. As this year's NWS budget justification explains (at 39), the NWS has still not yet developed its IT consolidation plan and will not be "developing a strategic staffing plan which will fully show the future of the NWS workforce" until 2016. Between September 2010 and February 2015, the NWS reduced its non-supervisory workforce by 10 percent, from 3877 to 3469, in an unplanned, random manner as vacancies arose. The subcommittee should not approve additional haphazard reductions in field staff.

NWSEO has just obtained a copy of a "Statement of Need" authored by an *ad hoc* committee of Meteorologists-in-Charge ("MICs") of numerous NWS Forecast Of-

fices in 2013 and submitted to NWS management, explaining why the ITOs are essential to the operations of their offices and need to be retained. According the MICs, who are the senior supervisor at each forecast office, the "READI Teams" cannot adequately replace the ITOs:

> The READI team proposal is an admirable effort to reduce agency overhead costs and looks promising on the surface, but it also includes a large number of assumptions that have already been proven faulty or ineffective during weather situations affecting multiple sites. Having to rely on emergency backup and remote support in lieu of local site support is a recipe for disaster and one not worth the cost savings.
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> From our perspective, one cannot remove such a vital individual from a unit and replace him with a remote staff member (or members) tasked with serving multiple offices that has no collaborative ties, relationship, or rapport with the people, office or customers, and expect the kind of benefits the ITO program has produced to date.
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> Moving from a system of local ITO experts to a regional cadre of ITO teams, no matter how skilled and prepared, will undoubtedly result in slower response time and longer periods of system down-time and lengthy site and system recovery.

The MICs also noted that the ITOs are responsible for far more than keeping existing systems operational. "[T]he ITO is a critical developer who is directly connected with the forecasters, end users, and core constituents. Due to this connection the position has been able to create successful applications with a positive and lasting impact on our agency." Below are four examples of software applications recently developed by ITOs that were customized to local weather conditions and customer needs.

1. Last winter Diana Norgaard, the ITO at the Sterling Forecast Office (which services Northern Virginia, Maryland, DC and part of West Virginia) developed software applications that translated winter weather forecasts and models into graphic "probabilistic" forecasts of the chances of varying snow accumulation totals for approximately 100 locations within the office's service area. She developed a Web page for display of these experimental forecast products, which can be found at www.weather/gov/lwx/winter. These new forecast products were so well received that Ms. Norgaard assisted in replicating them for the Philadelphia, New York and Boston Forecast Office Web sites this winter.

2. After the January 2014 snowstorm that paralyzed the Atlanta highway network, the Georgia Department of Transportation installed road sensors around the metro Atlanta area and North Georgia. Steve Listemaa, the ITO at the Atlanta Forecast Office, worked with the vendor to ingest this data for display into the office's AWIPS system, which he then configured to produce road temperature forecasts. The graph below shows the observed road temperature data to the left of the vertical gray line, and forecast road temperature data to the right. The display was originally written by the ITO at the Tulsa Forecast Office, and Mr. Listemaa took that code and modified it for his office's needs.

3. In Vermont, ice jams create a flood threat in late winter as river ice starts to break up; Montpelier was flooded as a result of such an ice jam in 1993. Chuck McGill, the ITO at the forecast office in Burlington, Vermont, wrote a series of software scripts that created a database for the office's hydrologist to use to log the locations of ice jams in their service area, and to quickly generate a Public Information Statement with this information.

4. The NWS's Service Assessment of its response to the May 2013 Moore, Oklahoma tornado noted that a local application developed by the ITO at the Norman Forecast Office was critical to FEMA's efforts:

> WFO Norman produced GIS [graphical information systems] products showing a preliminary estimate of the likely tornado track, which the office made available while the tornado was in progress in Moore, Oklahoma. Meteorologist in Charge (MIC), serving as the radar interpreter, worked with the Information Technology Officer (ITO) to use a prototype local application on AWIPS II, the AWIPS's next-generation software, to generate the GIS files on AWIPS. The GIS files were emailed to the EMs in affected regions and to the Southern Region Regional Operations Center (SR ROC) and posted on social media. WFO Norman used all available radar data and

> other information to draw potential damage paths. The local application allowed the meteorologists to select points, scan-by-scan, to identify where a tornado was located. This process includes forecaster interpretation in the analysis loop and is different and separate from the rotation tracks products available from the National Severe Storms Laboratory (NSSL). The Federal Emergency Management Agency (FEMA) Director noted these products are "extremely valuable" when integrated into FEMA's GIS applications. These preliminary tracks allowed FEMA to identify the impacted areas and determine resources that might be needed for the recovery as much as 3–4 hours before resources were requested . . .
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> These GIS products saved FEMA 3–4 hours of response time and helped FEMA staff determine the need for additional urban search and rescue teams before local EMs formally requested this assistance.

Service Assessment: May 2013 Oklahoma Tornadoes and Flash Flooding, pp. 8–9 (NWS, January 2014).

Regional IT teams cannot maintain from a distance the unique software applications and models previously designed by each office's ITOs and with which they are unfamiliar; and termination of the ITOs will eliminate the ability to design and build software applications and forecasting models customized to each office's unique climate and user needs.

In its fiscal year 2016 budget justification, the NWS promises that it will reduce ITO staffing through attrition, but that is not possible if funding for the ITOs is abruptly terminated at the beginning of the upcoming fiscal year. The NWS incorrectly claims that many of the ITOs can qualify for other NWS positions, such as a meteorologist. Although about one-half of the ITOs were meteorologists before being selected as ITOs, it is unlikely that they would qualify to return to the meteorologist jobs series because the educational qualification standards for meteorologists changed in 1998. Only those current meteorologists who were hired before that date and who have been continuously employed in the meteorologist job series are grandfathered under the prior qualification standards. (See NOAA Human Resources Guidance Bulletin #FY14–004 (October 23, 2014).

NWSEO also opposes NOAA's proposal to reduce $1.5 million in funding for development and implementation of the next generation of the Advanced Weather Interactive Processing System. As noted in the agency's Budget Justification, at 73, the "NWS will be limited in providing future tools and capabilities which meteorologists/hydrologists use in situational awareness for warning/forecast preparation" as a result of this reduction, and "[t]he development of robust, efficient service backup capabilities to support local needs as well as COOP activities will also be deferred."

The most troubling impact of this reduction will be the deferral of an updated AWIPS "Weather Event Simulator" or "WES." WES is a training simulator that allows forecasters to replay severe weather events from archived data as case studies as if they were occurring in real-time. Funding for training at the National Weather Service has already fallen to just one-half of 1 percent of the agency's budget.

PREPARED STATEMENT OF THE NATURE CONSERVANCY

Thank you for the opportunity to comment on the fiscal year 2016 appropriations for the National Oceanic and Atmospheric Administration (NOAA). The Nature Conservancy is a non-profit conservation organization working around the world to protect ecologically important lands and waters for both people and nature. As the Nation enters the fiscal year 2016 budget cycle and another year of fiscal challenges, The Nature Conservancy recognizes the need for fiscal restraint and reiterates our concern that natural resource stewardship programs should not bear a disproportionate share of cuts in this budget. We believe the budget levels The Nature Conservancy supports represent a prudent investment in our country's future. It is an investment that not only helps NOAA achieve its most critical missions by catalyzing local and regional action, but also reduces risk and saves money based on tangible economic and societal benefits that natural resources provide.

NATIONAL MARINE FISHERIES SERVICE

Fisheries and Ecosystem Science Programs and Services.—The Nature Conservancy supports the President's request of $146.317 million.

There is a high correlation between the good information about the status of a fish stock and the effectiveness of management. Systems for collecting fishery data tend to be paper-based, slow, expensive and prone to errors and gaps. On-board

video monitoring has been piloted but has yet to be implemented in any U.S. fisheries and the administration's proposed $5.596 million increase for Electronic Monitoring and Reporting will help move these efforts beyond pilots to implementation through funding purchase and maintenance of hardware and software and processing of collected data. Priority should be given to those fisheries across the country that have already piloted these efforts. Also key is improving our understanding of the ecological and economic connections between fisheries and nearshore habitats. The administration's proposed $5 million increase for Ecosystem-based Solutions for Fisheries Management will improve our understanding of the value of ecosystem services and develop the models and tools to incorporate this information into habitat restoration plans and fisheries management actions.

Fisheries Management Programs and Services.—The Nature Conservancy supports the President's request of $128.367 million.

NOAA Fisheries has made important strides in addressing these challenges and strengthening fisheries management; however, much more needs to be done. To recover fish stocks so that they provide food and jobs to struggling fishermen now and in the future, we need to reduce destructive fishing practices, restore coastal habitats that produce fish, and support the efforts of fishermen and fishing communities and do so in a collaborative way. The Conservancy supports the President's request of $128.367 million and highlights two important program increases. The proposed increase of $1.45 million within this line will be used to develop and implement clear procedures and guidance for the use of electronic monitoring. This will include review of pilot project information, regional implementation plans, and coordination with stakeholders. Catch shares give participating fishermen a stake in the benefits of a well-managed fishery and align the incentives for resource stewardship with the natural incentive for fishermen to increase their earnings with a sustainable business model. Transition to these systems is difficult and the modest $2.216 million proposed increase will help NOAA get the design and implementation of these new catch share programs right by engaging fishing communities.

Habitat Management and Restoration.—The Nature Conservancy supports the President's request of $57.885 million.

Coastal wetlands and nearshore waters produce the fish and shellfish that feed America. The health of these places is essential to the economic and social well-being of those who live, work, and recreate in coastal communities. Additionally the restoration and protection of coastal resources help to provide flood control and prevent erosion to protect our communities from storm surges. Through the Community-based Restoration Program and the Habitat Blueprint initiative, The Nature Conservancy works closely with NOAA to restore the health of degraded habitats in places and ways that benefit not just local marine life, but communities and coastal economies as well. Project funds are awarded on a competitive basis and typically leverage the resources and capacity of multiple partners. This work enhances our understanding of the connections between fisheries productivity and habitat, measures the effectiveness of conservation and restoration activities, and applies those lessons to improve future efforts. The administration has also requested an important $3.5 million increase to enhance NOAA's capacity to for consultations on and implementation of Essential Fish Habitat. The Regional Fishery Management Councils address fishing impacts on these areas, and NOAA must have sufficient capacity to provide technical assistance to the Councils and to work with Federal agencies to avoid, minimize, and mitigate the impacts of their actions on these important fishery habitats.

Pacific Coastal Salmon Recovery Fund.—The Nature Conservancy supports maintaining the fiscal year 2015 level of funding of $65 million, $7 million above the President's requested amount.

The Pacific Coast Salmon Recovery Fund (PCSRF) is the most critical Federal program addressing major threats to Pacific salmon so that these fish can continue to sustain culture, economies, recreation, and ecosystem health. PCSRF funding is tailored for each State, competitively awarded based on merit, and has funded hundreds of successful, on-the-ground salmon conservation efforts. PCSRF invests in cooperative efforts to conserve species under NOAA's jurisdiction, and projects are matched at a 3:1 ratio (Federal/non-Federal). Notably, the PCSRF has catalyzed thousands of partnerships among Federal, State, local, and tribal governments, and conservation, business, and community organizations. The Nature Conservancy urges sustaining the fiscal year 2015 enacted level of $65 million.

Fisheries Data Collections, Surveys and Assessments.—The Nature Conservancy supports the President's request of $163.251 million.

Limited or poor quality information on the status of fishery stocks undermines the effectiveness of fishery management and can erode political support for conservation measures. Accurate and timely stock assessments are essential for the sound management of fisheries and the sustainability of fishing resources. The $2.815 million proposed increase to Expand Annual Stock Assessments will help the agency prioritize assessments, determine what level of assessments are needed and, where to appropriately incorporate ecosystem linkages—such as climate, habitat, multispecies, socioeconomic factors.

Marine Mammals, Sea Turtles, and Other Species.—The Nature Conservancy supports the President's request of $145.71 million.

Through this budget line, NOAA awards competitive grants to States and tribes to support conservation actions that contribute to recovery, or have direct conservation benefits for, listed species, recently de-listed species, and candidate species that reside within that State. NOAA's proposed $17 million increase for Species Recovery Grants, including $3.2 million for the 20 newly-listed coral species, will allow the agency to expand partnerships to address the growing number of listed species and allow for larger, ecosystem-level scale recovery efforts The Nature Conservancy works with State agency partners to restore endangered species and monitor the results of these efforts. These grants are essential for having a direct benefit to "on the water" restoration efforts. Additional listed species and emerging challenges to recovery has increased the number and complexity of NOAA's consultation and permitting requirements under the Endangered Species Act and Marine Mammal Protection Act. The proposed $13.23 million to Increase Consultation Capacity will aid NOAA's ability to complete these requirements in a timely manner.

ESA Salmon.—The Nature Conservancy supports the President's request of $68.501 million.

Recovery of listed Atlantic and Pacific salmon provide distinct challenges. NOAA's cooperative efforts with States, tribes, and other partners such as The Nature Conservancy help to improve our understanding of and ability to protect listed salmon and the habitats that sustain them. The $1.301 million proposed increase to base funding will support the design and implementation of fish passage projects critical to the recovery of Atlantic salmon.

NATIONAL OCEAN SERVICE

Coastal Management Grants.—The Nature Conservancy supports the President's request of $116.146 million.

Our Nation's coastal areas are vital to our economy and our way of life. The narrow area along our coasts is home to approximately 163 million people and coastal economies contribute over 45 percent of our gross domestic product. This concentration of activity exposes communities and businesses to risk from coastal storms, changing ocean and economic conditions, and user conflicts. The $45 million proposed increase in competitively awarded Regional Coastal Resilience Grants will provide the resources and tools to build coastal resilience to avoid costly Federal disaster assistance and sustain healthy fisheries, maintain robust tourism opportunities, provide for increased shipping demands, and other coastal industries. The Nature Conservancy has worked with NOAA through the Digital Coast partnership to develop decision support tools and techniques that help communities understand and reduce risk and build resilience. Sharing data across Federal, State, and tribal agencies, industry, and with non-governmental organizations has increased our collective ability to understand and incorporate into decisionmaking complex coastal economic, social, and ecological needs. Through the restoration of coastal habitats and use of natural infrastructure, we can improve communities' ability to minimize storm damage and improve fisheries productivity, water quality, and recreational opportunities.

Coral Reef Program.—The Nature Conservancy supports no less than the President's request of $26.1 million.

The decline of coral reefs has significant social, economic, and ecological impacts on people and communities in the United States and around the world. The Conservancy works with NOAA's Coral Reef Conservation Program under a competitively awarded, multi-year cooperative agreement to address the top threats to coral reef ecosystems: climate change, overfishing, and land-based sources of pollution. Together we develop place-based strategies, measure the effectiveness of management efforts, and build capacity among reef managers globally.

Coastal Zone Management and Services.—The Nature Conservancy supports the President's request of $54.144 million.

NOAA's data, research, and monitoring of coastal and marine systems provide data and decision-support tools that inform the safe operations of industry, prioritize habitats for restoration, and advance science-based management decisions. The administration has requested a $5 million increase for Ecosystem-based Solutions for Coastal Resilience. Improving our ability to incorporate natural infrastructure into coastal protection efforts before and after storms can help communities achieve multiple benefits such as improving fisheries productivity and coastal water quality. The proposed $4.78 million increase for Capacity to Respond to Extreme Events will improve modeling and observations and increased technical assistance to coastal communities to help reduce their risk to coastal storms and extreme weather, ultimately saving Federal disaster response and recovery expenditures. This will be further leverage by the proposed $2 million increase for the AmeriCorps' Resilience Corps Pilot Program Training and Technical Assistance. Decision support tools and increasing capacity within communities are cost-effective mechanisms to enable the implementation of resilience strategies.

National Estuarine Research Reserve System.—The Nature Conservancy supports no less than the President's request of $21.3 million.

The National Estuarine Research Reserve System (NERRS) partners with States and territories to ensure long-term education, stewardship, and research on estuarine habitats. Atlantic, Gulf, Pacific, Caribbean and Great Lakes reserves advance knowledge and stewardship of estuaries and serve as a scientific foundation for coastal management decisions.

Sanctuaries and Marine Protected Areas.—The Nature Conservancy supports no less than the President's request of $48.3 million.

National marine sanctuaries support economic growth and hundreds of coastal businesses in sanctuary communities, preserve vibrant underwater and maritime treasures for Americans to enjoy, and provide critical public access for ocean recreation, research, and education. Investment in these sites does more than simply protect discrete areas of the ocean; it places a down payment for the many Americans whose livelihoods are dependent on a healthy ocean and coasts.

Thank you for this opportunity to share The Nature Conservancy's priorities. We would be pleased to provide the subcommittee with additional information on any of the Conservancy's activities.

PREPARED STATEMENT OF THE NORTHWEST INDIAN FISHERIES COMMISSION

Mr. Chairman and members of the subcommittee, my name is Lorraine Loomis and I am the Chairwoman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the 20 tribes that are party to the *United States v. Washington*[1] *(U.S. v. Washington).* We are providing testimony for the record in support of funding for the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) for the fiscal year 2016 appropriations.

SUMMARY OF FISCAL YEAR 2016 APPROPRIATIONS REQUESTS

—$110.0 million for the Pacific Coastal Salmon Recovery Fund (NOAA/NMFS).
—$13.8 million for the Pacific Salmon Treaty, including the additional $3.0 million for the 2008 Chinook Salmon Agreement (NOAA/NMFS).
—$18.9 million for the Mitchell Act Hatchery Program (NOAA/NMFS).

We are generally pleased with the President's fiscal year 2016 budget request but much more needs to be done. It promotes a strong stewardship in sustaining our vital natural resources. The natural resources that we depend on are vital to our tribal communities, economies and jobs. The land and the many natural resources we depend on are a necessity for our communities to thrive.

The western Washington treaty tribes brought to the Federal Government our Treaty Rights at Risk (TRAR) initiative almost 4 years ago. The continued loss and degradation of the salmon habitat continues to hamper our salmon recovery efforts, which threatens our tribal treaty rights. The Federal Government has the obligation and authority to ensure both the recovery of salmon and the protection of tribal

[1] *United States v. Washington,* Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

treaty rights. These constitutionally protected treaties, the Federal trust responsibility and extensive case law, including the *U.S. v. Washington* decision, all support the role of tribes as natural resource managers, both on and off reservation. While our TRAR has garnered a lot of discussion, it has been slow to create any change in the manner in which Federal agencies operate. It has not been enough to change the trajectory of salmon recovery in our region from a negative to a positive direction.

Salmon has always been the foundation of tribal cultures, traditions and economies in western Washington. Wild salmon and their habitat continue to decline despite massive reductions in harvest and a significant investment in salmon recovery and habitat restoration. However, fulfilling these Federal obligations is not an option and these investments must continue as we work to recover the salmon populations.

In Washington State, we have developed a successful co-management partnership between the Federal, State and tribal governments. Tribes seize every opportunity to coordinate with other governments and non-governmental entities to avoid duplication, maximize positive impacts, and emphasize the application of ecosystem-based management. This collaboration has helped us to deal with many problems, and as sovereign nations, we will continue to participate in resource recovery and habitat restoration with the State of Washington and the Federal Government because we understand the great value of such cooperation.

Hatchery production also continues to be a critical component in fulfilling these treaty-reserved rights and play a vital role in the management of our fisheries. In addition to our habitat concerns, the hatchery systems in the State of Washington are under attack by third party litigation due to the lack of approved Hatchery and Genetic Management Plans (HGMPs) under the ESA. This was realized last fall with legal action that prevented the release of one million hatchery steelhead in western Washington. The problem will continue until the National Marine Fisheries Service has completed its ESA determinations. Resources and immediate action is needed to address the current backlog of HGMPs so that Indian and non-Indian fishermen and our communities are not further impacted by loss of their fisheries.

To address these many concerns adequate funding is necessary for hatchery production and salmon habitat restoration. The programs we support provide the necessary salmon production and assists tribes in the implementation of salmon recovery plans that moves us in the direction of achieving the recovery goals, which is a direct request in our TRAR initiative. As Congress considers the fiscal year 2016 budget, we ask you to consider our requests that are further described below.

JUSTIFICATION OF REQUESTS

Provide $110.0 million for NOAA Pacific Coastal Salmon Recovery Fund

We respectfully request $110.0 million, an increase of $52.0 million over the President's request. The fiscal year 2015 appropriations provided a total of $65.0 million. These funds have decreased from the peak of $110.0 million in fiscal year 2002. We continue to support the original congressional intent of these funds that would enable the Federal Government to fulfill its obligations to salmon recovery and the treaty fishing rights of the tribes.

The PCSRF is a multi-State, multi-tribe program established by Congress in fiscal year 2000 with a primary goal to help recover wild salmon throughout the Pacific coast region. The PCSRF supports projects that restore, conserve and protect Pacific salmon and steelhead and their habitats. PCSRF is making a significant contribution to the recovery of wild salmon throughout the region by financially supporting and leveraging local and regional efforts. Salmon restoration projects not only benefits fish populations and their habitat but provides much needed jobs for the local communities.

The tribes' overall goal in the PCSRF program is to restore wild salmon populations while the key objective is to protect and restore important habitat in Puget Sound and along the Washington coast. This is essential for western Washington tribes to exercise their treaty-reserved fishing rights consistent with *U.S. v. Washington* and *Hoh v. Baldrige*[2] and also promotes the recovery of ESA listed species and other salmon populations. The tribes have used these funds to support the scientific salmon recovery approach that makes this program so unique and important.

It is for these reasons that the tribes strongly support the PCSRF. We will continue to seek an equitable allocation to the NWIFC and member tribes through the NOAA Fisheries funding process. These funds support policy and technical capac-

[2] *Hoh v. Baldrige*—A Federal court ruling that required fisheries management on a river-by-river basis.

ities within tribal resources management to plan, implement, and monitor recovery activities. In addition to watershed restoration and salmon recovery work they also help fund fish hatchery reform efforts to allow for the exercise of tribal treaty fishing rights.

Provide $13.8 million for NOAA Pacific Salmon Treaty, including the additional $3.0 million associated with the 2008 Chinook Salmon Agreement

We support the Pacific Salmon Commission (PSC)/U.S. Section's request of $13.8 million, an increase of $2.5 million over the President's request. The fiscal year 2015 appropriations provided a total of $11.3 million. We also support as part of their request $1.5 million for the Puget Sound Critical Stock Augmentation Program and $1.5 million for the Coded Wire Tag (CWT) Program as required by the 2008 PST Chinook Annex Agreement.

The Puget Sound Critical Stock funding covers the operation and maintenance costs for the hatchery augmentation programs established for Dungeness, Stillaguamish, and Nooksack Chinook. These hatchery efforts were initiated in connection with the 2008 Chinook Agreement of the US/Canada Pacific Salmon Treaty (PST) as the conservation needs of these populations could not be met by harvest restriction actions alone. The CWT funding allows for continued maintenance and efficiency improvements of the coast-wide CWT program. This is essential for the sustainability and management of our fisheries resources. Currently there is not enough funding allocated to carry out the requirements of the PST, which causes the PSC to not be able to perform all of its responsibilities required in the treaty and its Chinook and coho annexes. As co-managers of the fishery resources in western Washington, tribal participation in implementing the PST is critical to achieve the goals of the treaty to protect, share and restore salmon resources.

The PST was implemented in 1985 through the cooperative efforts of tribal, State, U.S. and Canadian Governments, and sport and commercial fishing interests. The PSC was created by the United States and Canada to implement the treaty, which was most recently updated in 2008. The PSC establishes fishery regimes, develops management recommendations, assesses 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. As co-managers of the fishery resources in western Washington, tribal participation in implementing the PST is critical to achieve the goals of the treaty to protect, share and restore salmon resources.

Adult salmon returning to most western Washington streams migrate through U.S. and Canadian waters and are harvested by fisherman from both countries. For years, there were no restrictions on the interception of returning salmon by fishermen of neighboring countries. The 2008 update of the treaty gave additional protection to weak runs of Chinook salmon returning to Puget Sound rivers. The update also provided compensation to Alaskan fishermen for lost fishing opportunities, while also funding habitat restoration in the Puget Sound region.

Provide $18.9 million for NOAA Mitchell Act Hatchery Program

We respectfully request $18.9 million for the Mitchell Act Hatchery Program, an increase of $3.0 million over the President's request. The fiscal year 2015 appropriations provided a total of $18.9 million. Funding is provided for the operation of 17 fish hatcheries that release between 50 and 60 million juvenile salmon and steelhead in Oregon, Washington, and Idaho. This program has historically provided fish production for tribal treaty fisheries in the Columbia River, and for ocean and in-river recreational and commercial fisheries.

It is especially important to us in that they provide significant fish production for harvest opportunities for tribal treaty fisheries along the Washington coast. Providing adequate funding to maintain the current production levels from the Mitchell Act hatcheries on the Columbia River is important as this production not only supports coastal salmon fisheries but dampens the impact of Canadian fisheries under the terms of the PST Chinook Annex on Puget Sound and coastal stocks.

Overall production from these hatcheries has been reduced from more than 100 million to fewer than 60 million fish. This hatchery production is intended to mitigate for the lost production caused by the hydropower dam system on the Columbia River. Substantial changes have been made, and will continue to be required of the Mitchell Act Program, due to the application of the ESA throughout the Columbia Basin. Adequate funding will also allow these facilities to be retrofitted to meet current ESA standards as identified through the hatchery reform process.

CONCLUSION

The treaties and the treaty-reserved right to harvest are the supreme law of the land under the U.S. Constitution. Some of the treaty tribes have had to give up even

their most basic ceremonial and subsistence fisheries, which is unacceptable. It is critically important for Congress and the Federal Government to do even more to coordinate their efforts with State and tribal governments. We need your continued support in upholding the treaty obligations and fulfilling the trust responsibility of those treaties in order for tribes to be successful.

We respectfully urge you to continue to support our efforts to protect and restore our great natural heritage that in turn will provide for thriving economies. Thank you.

PREPARED STATEMENT OF OCEAN CONSERVANCY

Thank you for this opportunity to provide Ocean Conservancy's recommendations for fiscal year 2016 funding for NOAA. Ocean Conservancy has worked for over 40 years to address ocean threats through sound, practical policies that protect our ocean and improve our lives. We support funding for NOAA at or above the President's request of $6 billion, and we support balanced investments across NOAA's atmospheric and oceanic missions. We recommend the following funding levels for specific programs.

Account, Program or Activity	Fiscal year 2015 enacted	Fiscal year 2016 President's budget request	Fiscal year 2016 Ocean Conservancy request
OPERATIONS RESEARCH AND FACILITIES			
National Ocean Service:			
Navigation, Observations, and Positioning	$189.206 million	$195.5 million	$195.5 million
Coastal Science, Assessment, Response, and Restoration:			
Marine Debris	—	—	$8 million
Arctic Spill Preparedness	—	$1.3 million increase	$1.3 million increase
National Marine Fisheries Service:			
Marine Mammals, Sea Turtles, and Other Species.	$115.219 million	$145.71 million	$147.61 million
Fisheries and Ecosystem Science Programs and Services.	$132.189 million	$146.317 million	$146.317 million
Electronic Monitoring and Reporting	—	$5.596 million increase	$5.596 million increase
Distributed Biological Obs. (Arctic)	—	$879,000 increase	$879,000 increase
Fisheries Data Collections, Surveys and Assessments.	$158.271 million	$163.251 million	$163.251 million
Fisheries Management Programs and Services.	$120.458 million	$128.367 million	$128.367 million
Management and Reg. Support for Electronic Technologies.	—	$1.45 million increase	$1.45 million increase
Office of Oceanic and Atmospheric Research:			
Integrated Ocean Acidification	$8.5 million	$30.005 million	$30.005 million
Regional Climate Data and Information	$38 million	$52.437 million	$52.437 million
NOAA Arctic Research Program	—	$2.190 million increase	$2.190 million increase
Program Support:			
Marine Operations and Maintenance	$175 million	$178.838 million	$178.838 million

PREPARING FOR A CHANGING ARCTIC

We support the three funding increases requested by NOAA in fiscal year 2016 that make investments we need now to be prepared for economic and ecological challenges of a changing Arctic. We also support continued funding for oceanographic charting of Arctic waters. Ocean Conservancy supported NOAA's requested increases last fiscal year as well, but the funding was not appropriated. Considering the U.S. chairmanship of the Arctic Council beginning this calendar year, it is even more important now that these investments be made to demonstrate U.S. leadership in the Arctic.

—*Navigation, Observations and Position: $195.5 million*

The Coast Guard's recently announced continuation and expansion of its Port Access Route Study in the Chukchi Sea, Bering Strait, and Bering Sea points to the importance of up-to-date Arctic charts. In addition, NOAA's Arctic Vision and Strategy notes that confidence in the nautical charts of the Arctic region is "extremely low." NOAA has made progress in recent years with new or updated charts for Kotzebue Harbor, Bering Strait North, and DeLong Mountain

Terminal, but Arctic waters are vast and it will take steady and consistent effort to complete the work of modernizing Arctic nautical charts.

—*Arctic Spill Preparedness: $1.3 million increase*

Currently, there is no demonstrated technology, technique or infrastructure to respond effectively to an oil spill in icy Arctic waters. Funding to support improved models, increased capacity and coordination, and research is urgently needed. Along with a precautionary approach, these efforts can guide decisions about whether development activities should occur in the Arctic and, if so, when, where, and how they occur.

—*Distributed Biological Observatory (Arctic): $879,000 increase*

The Arctic marine ecosystem provides irreplaceable benefits, but our understanding of this ecosystem is hampered by a lack of reliable baseline data, critical science gaps, and limited documentation and application/use of traditional knowledge. Funding will provide much-needed support for collection of baseline data and analysis of ecosystem functions in Arctic marine waters so we better understand Arctic fisheries and other valuable ecosystem services. Without this better understanding our ability to make informed decisions is compromised.

—*NOAA Arctic Research Program: $2.19 million increase*

Temperatures in the Arctic are warming at twice the rate of the global average and seasonal sea ice is diminishing rapidly. Funding to expand and improve NOAA's Arctic Observing Network is critical to track and understand these profound changes and provide products that inform industries and decision–makers and support our ability to adapt.

MARINE DEBRIS: $8 MILLION

Marine debris has become one of the most pervasive pollution problems facing the world's oceans, coasts and waterways. Research has demonstrated that persistent debris has serious effects on the marine environment, wildlife and the economy. Marine debris causes wildlife entanglement, ghost fishing, destruction of habitat, navigational hazards, vessel damage and pollutes coastal areas. There is also increasing concern over the threat of microplastics to the marine food web and potentially humans. NOAA's Marine Debris program supports existing monitoring and research efforts to better understand accumulation rates of debris and debris source and sink dynamics. The program catalyzes scientific research efforts to quantify the direct and indirect economic impacts caused by marine debris on coastal communities and economies that rely on them. NOAA is instrumental in the removal of hundreds of tons of marine debris from our coasts and waters every year, restoring the productivity of coastal and marine ecosystems. And increasingly, NOAA's program is emphasizing research on microplastics in the ocean and their toxicological impacts on marine organisms. NOAA's Marine Debris program was originally authorized at a level of $10 million. We support funding for this program at $8 million.

MARINE MAMMALS

We do not support NOAA's proposed cut of $1.9 million dollars from the John H. Prescott Marine Mammal Rescue Assistance Grant Program. This cut would harm marine mammal stranding networks, which are the first responders for sick or dying marine mammals. Marine mammals face significant threats in the Gulf of Mexico, from oil and gas exposure with the Galveston Bay Spill providing the latest example, to the ongoing unusual mortality event (UME) occurring in the northern Gulf. Since February 2010, over 1300 marine mammals have died in the Northern Gulf of Mexico which is both three times more animals impacted and three times longer in duration than any other UME in the Gulf. Programs in Texas and Florida in particular would be harmed by this cut because they are not currently benefitting from BP Natural Resource Damage Assessment dollars that are temporarily filling funding gaps in northern Gulf rescue centers, but not elsewhere.

FISHERIES SCIENCE AND MANAGEMENT

We support funding for programs that implement the *Magnuson-Stevens Fishery Conservation and Management Act.* As we review the Act for reauthorization, it is important to note that the Act is working—NOAA has made great strides towards ending overfishing and continued investments in these programs are needed.

—*Electronic Monitoring and Reporting: $5.596 million increase in Fisheries and Ecosystem Science Programs and Services; $1.45 million increase in Fisheries Management Programs and Services*

We support increasing funding for electronic monitoring and reporting requested by NOAA. This funding has been requested for nationwide efforts, but in the Gulf of Mexico alone, where managers need electronic monitoring to keep track of catch and prevent overruns in the red snapper fishery, there is significant need for additional funding. Based on the findings of the November 2014 "Technical Subcommittee Report to the South Atlantic and Gulf of Mexico Fishery Management Councils: Recommendations for Electronic Logbook Reporting" NOAA's requested increases are only a portion of what is needed to support effective electronic monitoring. The Gulf of Mexico region alone will require more than $5 million annually to support electronic monitoring.

—*Expand Annual Stock Assessments: $2.815 million increase in Fisheries Data Collections, Surveys and Assessments*

This funding provides critically needed resources for fisheries managers to assess priority fish stocks, implement the requirement for annual catch limits (ACLs), and ensure the successful recovery of overfished populations. These activities give fishery managers greater confidence that their ACLs will avoid overfishing while providing optimal fishing opportunities. Because the information provided by stock assessments is so vital for sustainable management of U.S. fisheries, increased funding for stock assessments should remain among the highest priorities in fiscal year 2016.

—*Marine Recreational Information Program*

We also support full funding for Fisheries Data Collections, Surveys and Assessments because this funding supports the Marine Recreational Information Program. Despite their often sizeable economic and biological impacts, much less data are collected from recreational saltwater fisheries than commercial fisheries due to the sheer number of participants and limited sampling of anglers' catches. The low level of data collection and lack of timely reporting of data in these fisheries is a large source of uncertainty and has become a flashpoint for controversy in regions where catch restrictions have been adopted to rebuild overfished stocks, particularly in the Southeast. By all accounts, improved sampling and timelier reporting of catch data are needed for successful management of marine recreational fisheries.

—*Marine Operations and Maintenance: $178.838 million*

Marine Operations and Maintenance should be funded at or above the President's request level of $178.838 million. Days at sea funded by this line are functionally tied to fishery stock assessments, and the two programs must be viewed together.

INTEGRATED OCEAN ACIDIFICATION

In recent years, scientists have raised the alarm about ocean acidification—a process whereby ocean waters' absorption of carbon dioxide emissions alters marine acidity. These changes can have far-reaching consequences for marine life, including economically important species like shellfish. For example, the shellfish industry in the Pacific Northwest has been devastated in recent years as increasingly acidic water impacted oyster hatcheries, nearly wiping out several years-worth of oyster "seed."

Given the magnitude of the potential impacts of ocean acidification we believe this area warrants the increased research investment proposed in the President's fiscal year 2016 request of $30.005 million. We greatly appreciate last year's appropriation of $8.5 million for fiscal year 2015, and believe the increase in funding is critical to allow NOAA to not only keep existing programs running, and continue assessing acidification effects on commercial and recreational marine species, but also improve and expand existing regional shared ocean acidification experimental facilities, and develop synthesis and visualization products responsive to stakeholder needs. By increasing the programmatic funding for Integrated Ocean Acidification, NOAA will be able to take these concrete actions to more effectively tackle the economic and local implications of ocean acidification and prepare for future strategies that will protect our Nation's key ocean and coastal economies.

PREPARED STATEMENT OF THE POPULATION ASSOCIATION OF AMERICA/ASSOCIATION OF POPULATION CENTERS

Thank you, Chairman Shelby, Ranking Member Mikulski, and other distinguished members of the subcommittee, for this opportunity to express support for the Census Bureau, the National Science Foundation (NSF), and the Bureau of Economic

Analysis (BEA). 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 fiscal year 2016, we urge the subcommittee to adopt the following funding recommendations: Census Bureau, $1.5 billion, consistent with the administration's request; National Science Foundation (NSF), $7.7 billion, consistent with the administration's request; and, Bureau of Economic Analysis, $110 million, consistent with the administration's request.

The PAA and APC are two affiliated organizations that together represent over 3,000 social and behavioral scientists and almost 40 population research centers nationwide that conduct research on the implications of population change. Our members, which include demographers, economists, sociologists, and statisticians, conduct scientific research, analyze changing demographic and socio-economic trends, develop policy recommendations, and train undergraduate and graduate students. Their research expertise covers a wide range of issues, including adolescent health and development, aging, health disparities, immigration and migration, marriage and divorce, education, social networks, housing, retirement, and labor. Population scientists compete for funding from the NSF and rely on data produced by the Nation's statistical agencies, including the Census Bureau and BEA, 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.

We recognize that the fiscal year 2016 request is $413 million more than the agency's fiscal year 2015 funding level. However, as you know, the Census Bureau's budget is cyclical, and fiscal year 2016 is a pivotal year in the 2020 Census planning cycle. This fall, after completing several years of in-depth research and testing, the Census Bureau will announce the design framework for the 2020 Census. The design decision is already a year behind schedule, due to past budget shortfalls, and the agency must pivot immediately to the systems and operations development phase of the census, as it prepares to execute that design. In fiscal year 2016, the agency plans to:

—conduct a Field Operations Test to evaluate new 2020 Census management framework for nonresponse follow-up operations;
—perform the 2016 Early Operations Test of new, targeted address canvassing methods;
—evaluate the use of administrative records to remove inaccurate addresses and to enumerate households that do not self-respond;
—initiate the 2020 Census Communications campaign;
—hire hundreds of new employees to manage and implement design and development activities and to conduct field tests; and
—implement a national content test for the ACS to reduce the survey's response burden, improve the usefulness of data products, and streamline field operations.

These ambitious plans, if supported, would not only enhance the conduct and outcome of the 2020 Census, but could also make it more cost effective, saving an estimated $5 billion over the lifecycle cost of the census. Conversely, without sufficient resources to pursue these innovations, the bureau is likely to rely on traditional and far more costly census methods— an outcome that would jeopardize the accuracy of the 2020 Census and most certainly preclude the agency from abiding by Congress' directive to keep the cost of the next census at the 2010 level.

With respect to the ACS, the PAA and APC urge the subcommittee to oppose any attempts that may occur during consideration of the fiscal year 2016 Commerce, Justice, Science appropriations bill to change the mandatory response status of the ACS. In 2003, the Census Bureau conducted a test on a voluntary ACS. They found that survey costs increased by approximately $60 million ($90 in real dollars) and response rates decreased by an estimated 20 percent. Canada's recent experience of moving from a mandatory to voluntary long form is a cautionary example. The overall response rate dropped from 94 percent to under 69 percent, increasing costs by $22 million as Statistics Canada increased the sample size to make up for lower response. Despite these efforts, Statistics Canada could not produce reliable socio-eco-

nomic estimates for 25 percent of all "places" in the Nation—mostly small communities and rural areas. Experts have described the data on income as not usable for business and policy purposes. The U.S. should heed Canada's example and maintain the integrity of the mandatory ACS.

NATIONAL SCIENCE FOUNDATION (NSF)

The mission of NSF is to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense. Understanding the implications of complex population dynamics is vital to the agency's mission. The Directorate of Social, Behavioral and Economic (SBE) Sciences is the primary source of support for the population sciences within the NSF. The Directorate funds critical large-scale longitudinal surveys, such as the Panel Study of Income Dynamics, that inform pressing policy decisions and enable policy makers to make effective decisions. Other projects, such as the Social Observatory Coordinating Network, integrate social science and health research, linking community and national data to improve population health.

NSF is the funding source for over 20 percent of all federally supported basic research conducted by America's colleges and universities, including basic behavioral and social research. SBE funds more than half of the university-based social and behavioral sciences research in the Nation.

PAA and APC, as members of the Coalition for National Science Funding, request that the subcommittee provide the NSF with the administration's request, $7.7 billion. This budget will enable the NSF SBE Directorate to continue its support of social science surveys and a robust portfolio of population research projects. The NSF also continues to focus on interdisciplinary research initiatives, recognizing that social and behavioral factors are intrinsic to many critical areas of research—for example the recent Understanding the Brain initiative. Funding at this level will enable NSF to maintain funding for the most promising grant applications that promote transformational and multidisciplinary research. Steady and sustainable real growth will enhance the Nation's capability to make new discoveries, leading to new innovations.

BUREAU OF ECONOMIC ANALYSIS (BEA)

While a relatively small agency, the BEA is enormously important to understanding our multi-trillion dollar economy. A diverse range of data users rely on BEA data: Federal, State and local government officials use BEA data to inform economic and fiscal policy; businesses use BEA data to guide investment decisions; and scientists use BEA data to understand and interpret trends in labor, employment, and national and international economies. Despite its importance, since fiscal year 2010, the BEA budget has not kept pace with inflation. The PAA and APC join other national organizations to urge the subcommittee to provide BEA with $110 million in fiscal year 2016. This funding is necessary to both restore the agency's purchasing power and to launch new initiatives to improve energy accounting and economic statistics and to expand data used to inform trade negotiations and support trade promotion efforts.

Thank you for considering our requests and for supporting Federal programs that benefit the population sciences.

PREPARED STATEMENT OF RESTORE AMERICA'S ESTUARIES

Restore America's Estuaries is a nonpartisan, nonprofit organization that has been working since 1995 to restore our Nation's greatest estuaries. Our mission is to restore and protect bays and estuaries as essential resources for our Nation. Restore America's Estuaries is an alliance of community-based coastal conservation organizations across the Nation that protect and restore coastal and estuarine habitat. Our member organizations include: American Littoral Society, Chesapeake Bay Foundation, Coalition to Restore Coastal Louisiana, Save the Sound—a program of the Connecticut Fund for the Environment, Conservation Law Foundation, Galveston Bay Foundation, North Carolina Coastal Federation, EarthCorps, Save The Bay—San Francisco, Save the Bay—Narragansett Bay, and Tampa Bay Watch. Collectively, we have over 250,000 members nationwide.

As you craft your fiscal year 2016 Commerce, Justice, Science and Related Agencies appropriations bill, Restore America's Estuaries encourages you to provide the funding levels below within the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) for core programs which greatly support coastal community economies:

—$47 million for Habitat Conservation and Restoration ($62.235 million under proposed new structure)

(CJS: NOAA: ORF: NMFS: Habitat Conservation and Restoration)

—$50 million for Regional Resilience Grants

(CJS: NOAA: PAC: NOS: CELCP Acquisition)

—$23.9 million for National Estuarine Research Reserve System

(CJS: NOAA: ORF: NOS: Ocean and Coastal Management and Services: National Estuarine Research Reserve System)

—$1.7 million for National Estuarine Research Reserve Construction

(CJS: NOAA: PAC: NOS: NERRS Construction)

These investments strengthen and revitalize America's communities by buffering against storms, supporting commercial fisheries, preventing erosion, protecting vital infrastructure, eliminating public safety hazards, and providing new recreational opportunities.

NOAA HABITAT CONSERVATION AND RESTORATION

NOAA's Office of Habitat Conservation (OHC) protects, restores, and promotes stewardship of coastal and marine habitat to support our Nation's fisheries and improve the resiliency of coastal communities through financial support and a range of restoration expertise and services. Within funds provided, we ask that the subcommittee provide no less than $26 million for Community-based Restoration, Resiliency Grants, and Estuary Restoration Program.

Funding for the Office of Habitat Conservation through the Habitat Conservation and Restoration PPA supports both the Community-based Restoration Program, Estuary Restoration Program and staff capacity to efficiently execute and facilitate habitat restoration nationwide. Activities range from planning and implementation activities for Natural Resource Damage Assessment (NRDA) and Restoration Trustee responsibilities for all active cases (e.g. Deepwater Horizon oil spill) to expert restoration services across NOAA programs including the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA), the Great Lakes Restoration Initiative (GLRI), and the National Fish Habitat Action Plan and the National Fish Habitat Partnership (NFHP). Focusing NOAA's restoration capacity within the OHC Restoration Center allows NOAA to efficiently execute and facilitate habitat restoration nationwide.

We urge the subcommittee to leverage the existing staff capacity and restoration expertise within the Restoration Center and support efforts to elevate NOAA's Community-based Restoration Program. This program supports locally driven and voluntary coastal restoration projects with national, regional, and local organizations through competitively awarded public-private partnerships. This non-regulatory tool is unique within NOAA because of its ability to provide seed funding for community-driven and innovative restoration. CBRP complements traditional fishery management and leverages non-Federal resources 3–5 times the Federal investment. Projects result in healthier habitats, which strengthen our commercial and recreational fisheries.

Restore America's Estuaries appreciates the subcommittee's past support for the Community-based Restoration Program and the inclusion of report language directing NOAA to ensure restoration funds achieve multiple benefits, including but not limited to fisheries.

The Estuary Restoration Program was transferred from the National Ocean Service to the National Marine Fisheries Service under the Habitat Conservation and Restoration PPA without additional funding in the fiscal year 2014 omnibus appropriations. The Estuary Restoration Act established a comprehensive interagency organization, the Estuary Habitat Restoration Council, which is comprised of five key Federal restoration agencies and leads a coordinated approach to enhance estuary habitat restoration. Under the Act, NOAA is responsible for maintaining the National Estuaries Restoration Inventory (NERI). Modest funding is necessary for maintaining/updating NERI and to ensure cross-agency collaboration continues. Restore America's Estuaries urges your continued support of the Estuary Restoration Council and NOAA's Estuary Restoration Program.

We strongly urge the subcommittee to provide no less than $47 million for Habitat Conservation and Restoration, which maintains the fiscal year 2015 enacted level. Within funds provided, no less than $26 million should be for the Community-based Restoration Program, Resiliency Grants, and Estuary Restoration Program. To adopt the administration's proposed changes to the Habitat Conservation and Res-

toration PPA and maintain level external restoration funding, the subcommittee must provide no less than $62.235 million if the proposed new structure is adopted. Restore America's Estuaries strongly supports the inclusion of the following:

> *Report Language:* Within funds provided, NOAA shall maximize external funding for public-private partnerships. NOAA shall issue a revised call for partnership proposals that prioritize direct community involvement and stewardship of local projects that support a range of benefits to coastal watershed communities. The subcommittee encourages NOAA to prioritize projects with diversity of support, but not to require the support of a coastal State's governor due to the burden this places on smaller organizations.

NOAA, REGIONAL COASTAL RESILIENCE GRANTS

(CJS: NOAA: ORF: NOS: Regional Coastal Resilience Grants)

Restore America's Estuaries commends the administration's request for $50 million for the Regional Coastal Resilience Grant Program to more fully address a suite of resilience challenges facing all U.S. coastal regions—including community, ecosystem, and economic resilience—within a single, competitive grants program. Restore America's Estuaries encourages the subcommittee to look at the Community-based Restoration Program and the NOAA Restoration Center as models for scaling ecosystem restoration efforts that increase resilience. NOAA estimates 2,000 acres of habitat restored per $5 million invested in ecosystem resilience grants.

Previous proposals have included language suggesting that project sponsors secure the support of the coastal State's Governor. We encourage the subcommittee to reconsider the requirement of securing support of the State's Governor due to the difficulty and burden this places on smaller organizations like local nonprofits. Specifically we are concerned this could disadvantage some community-driven projects if they do not have access to the State's Governor, especially in medium to large States.

Restore America's Estuaries urges Congress to fund the Regional Coastal Resilience Grant Program at $50 million. We urge the subcommittee to ensure that NOS coordinates closely with the Restoration Center to increase efficiency and leverage capacity to help meet shared goals.

NOAA, NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM

(CJS: NOAA: ORF: NOS: Ocean and Coastal Management and Services: National Estuarine Research Reserve System)/(CJS: NOAA: PAC: NOS: NERRS Construction)

The National Estuarine Research Reserve System (NERRS) is comprised of 28 protected reserves that support long-term research, education, training, and monitoring. Through an effective partnership between NOAA and coastal States, NERRS plays a critical role in sustaining resilient coasts and coastal communities.

The States have been entrusted to operate and manage NOAA's program in 22 States and Puerto Rico, where over 1.3 million acres of land and water are protected in perpetuity.

Restore America's Estuaries respectfully requests $23.9 million for NERRS operations in fiscal year 2016. At this funding level, the 28 existing reserves will maintain level funding and support will be provided for the addition of the 29th reserve in Hawaii. The designation of a Hawaii NERR will fill an unrepresented bio-geographic region in the NERR system.

NERRS assists our coastal communities, industries and resource managers to enhance coastal resiliency in a changing environment. As severe weather events become more common, Federal, State, and local officials are recognizing that estuaries have the capacity to provide green resilience infrastructure. Through NERRS, NOAA can tailor science and management practices to enable local planners to use estuarine habitat as a tool for resilience and adaptation.

Through scientific research and science-based management of more than 1.3 million acres of protected land, NERRS provides numerous benefits to communities that result in improved water quality, increased upland flood and erosion control, and improved habitat quality that support local fisheries and provide storm protection to coastal communities.

CONCLUSION

Restore America's Estuaries greatly appreciates the support this subcommittee has provided in the past for these important programs. These programs help to accomplish on-the-ground restoration work which results in major benefits:

—*Jobs*.—Coastal habitat restoration projects create between 17–33 jobs per $1 million invested. That's more than twice as many jobs as the oil and gas sector and road construction industries combined.

—*More fish*.—Traditional fisheries management tools alone are inadequate. Fish need healthy and abundant habitat for sustainable commercial and recreational fisheries.

—*Resiliency*.—Restoring coastal wetlands can help knock down storm waves and reduce devastating storm surges before they reach the people and property along the shore.

—*Leverage*.—Community-based restoration projects leverage 3–5 times the Federal investment through private matching funds, amplifying the Federal investment and impact.

Thank you for taking our requests into consideration as you move forward in the fiscal year 2016 appropriations process. We stand ready to work with you and your staff to ensure the health of our Nation's estuaries and coasts.

PREPARED STATEMENT OF THE SEA GRANT ASSOCIATION

On behalf of the 33 Sea Grant programs in every coastal and Great Lake State, plus Puerto Rico and Guam, the Sea Grant Association (SGA) expresses its gratitude to the subcommittee for strong and consistent support it has provided year in and year out for the National Sea Grant College Program (Sea Grant). As the subcommittee works to develop an fiscal year 2016 appropriations bill the SGA urges the subcommittee to take full advantage of the Sea Grant program's strengths in research, extension, outreach, and education—particularly in the area of coastal community resiliency—by fully funding the program at a level of $80 million and rejecting the administration's proposal to terminate STEM education in the Sea Grant program.

Sea Grant is NOAA's Federal-State partnership program that supports science-based, environmentally sustainable practices to ensure our coastal communities remain engines of economic growth in a rapidly changing world. For example, over the next century, sea level rise in the Los Angeles region is expected to match global projections with an increase of 0.1–0.6 meters from 2000 to 2050. California Sea Grant developed and released the first study of what this will mean to one of America's largest cities and spurred creation of a regional planning process to protect the city from the consequences.

Meanwhile Sea Grant researchers in Hawaii are providing improved projections of how ocean acidification is likely to impact Hawaiian coral reefs and examining the potential for corals to adapt or acclimatize to future conditions. Hawaiian coral reefs are valued at over $33 billion annually to the American public, and every year Hawaii derives an estimated $364 million directly from coral reefs in addition to other benefits, such as shoreline protection.

Georgia Sea Grant is working with the Georgia Department of Natural Resources to develop a detailed climate adaptation plan for the barrier island community of Tybee Island, Georgia. The plan, based on specific adaptation scenarios, visualizes impacts from storm surges and coastal flooding. The City of Tybee Island has formally agreed to consider adopting the recommendations developed by this project through appropriate local ordinances, infrastructural improvements, and other municipal actions.

Additionally, when *Hurricane Sandy* hit, large sections of Jersey City, a hospital and City Hall had to be evacuated because of flooding. New Jersey Sea Grant experts put satellite data and imagery to work and engaged with city planners to design a resiliency plan that adapts the area's coastlines to mitigate and prevent similar disasters in future storms.

These are a just a few of the many examples of Sea Grant's work across the Nation to help Americans who live, work and recreate on our shores to be safe, prosperous and resilient in the face a multitude of challenges.

For the United States to be more responsive to the economic development potential of its coastal resources, improve coastal resilience, and balance the environmental challenges its coastal communities face, the Sea Grant Association is requesting Federal funding of $80 million in fiscal year 2016 for the research, education, and extension activities that make up the National Sea Grant College Program. This recommended funding level includes $10 million for an enhanced Sea Grant resiliency initiative that is consistent with NOAA's strategic priorities. The level of funding for the Sea Grant program is consistent with guidance provided in a prior report from the Subcommittee on Appropriations regarding strengthening the program and with pending authorization legislation.

What is the importance of the Nation's coastal communities?

Nearly 130 million residents or 40 percent of the population of the United States live in counties immediately on our coastlines. Those coastal counties support 51 million jobs, and over 45 percent of the gross domestic product ($7 trillion dollars) of our Nation. Yet these same counties are highly vulnerable to challenges associated with natural and man-made disasters, changes in the natural resource base and ecosystem, and economic hard times, as we recently have seen with the devastating impacts of Hurricane Sandy in the northeast, the impacts of the BP oil spill in the Gulf of Mexico, depletion of fisheries stocks around the Nation, and growing strain on coastal infrastructure from sea level change. The resilience of our coastal communities, their economies and quality of life of their residents depends on how well prepared they are for these events. This includes how residents are able to prepare as well as where and how critical infrastructure and buildings are constructed in the coastal zone. Resilient communities have prepared residents, businesses and infrastructure that reduce the impacts of a myriad of risks to their lives and property and allow life to return to normal much more quickly than in communities that are not as prepared. They also have living coastal resources such as mangroves, oyster reefs, healthy barrier dunes and salt marshes that buffer waves and protect the shoreline from erosion during storms. Only through knowledge, understanding and preparation will coastal communities be able to prepare for and respond to the hazards that are uniquely concentrated in these coastal counties.

How has the National Sea Grant College Program contributed to the economic health of the Nation's coastal communities in the past?

In 2014, the Sea Grant program delivered the following benefits to the Nation as a result of its activities:

—$450 million in economic development;
—6,500 businesses created or retained;
—17,500 jobs created or retained;
—290,000 volunteer hours for outreach;
—760 undergraduate students supported;
—980 graduate students supported;
—53,000 stakeholders modify practices based on information and technical assistance provided by Sea Grant;
—220 communities implement new sustainable practices; and
—21,700 acres of ecosystems restored.

What will the additional $10 million Sea Grant Community Resilience initiative accomplish?

Sea Grant has developed signature programs that have helped coastal communities across the Nation understand their risks, and respond to unexpected changes that affect their livelihoods. Sea Grant has developed locally relevant solutions that will increase community resilience. In some areas of the country, Sea Grant has implemented community resilience programs at a regional level, such as in the Gulf of Mexico, the Northeast and the Great Lakes.

In other areas, programs have been developed at the State level, that have great potential to be rolled out nation-wide, yet this has not been fully realized due to a lack of resources. With the resources requested Sea Grant can:

—Invest in research and unlock data and information to better understand the projected impacts of severe weather and other ecosystem changes and how we can better prepare our communities and infrastructure;
—Help communities plan and prepare for the impacts of severe weather and encourage locally relevant measures that reduce future risks;
—Work with communities that have experienced unexpected events that have impacted their economy with programs such as job retraining or helping to develop new commercial infrastructure; and
—Support science and engineering research that produces breakthrough technologies that increase the resilience of infrastructure to coastal hazards.

What is Sea Grant's role in STEM Education?

Sea Grant program provides an important mechanism that delivers high quality, stimulating STEM education to students using the oceans and coasts or the Great Lakes, as the vehicle for conveying important scientific and natural resource concepts. The support that Sea Grant provides is an important catalyst and helps create important educational partnerships in coastal communities. STEM education is mandated in the legislation Congress passed when it created Sea Grant and that mandate has been reaffirmed through subsequent funding legislation.

SGA recognizes that the Nation is facing very tight fiscal constraints and suggests that where we have discretion, Federal funding ought to go to those programs that deliver economic, environmental, and education benefits to our citizens. The Sea Grant education programs do just that in a very cost effective manner. For that reason and because of the importance of the National Sea Grant College Program STEM education, and the role that it plays in the long term health of our State, we urge the subcommittee to continue to strongly oppose the elimination of Sea Grant STEM activities in the fiscal year 2016 Commerce, Justice and Science appropriations bill.

How does the Sea Grant program make a difference?

Approximately 95 percent of the Federal funding provided to Sea Grant leaves Washington and goes to the State programs where it is used to conduct research, carry out extension and outreach activities, and deliver valuable services to the Nation. Moreover, Federal funding through the Sea Grant program has a significant leveraging impact with every two Federal dollars invested attracting at least an additional dollar in non-Federal resources in mandatory matching funding. The National Sea Grant College Program is one of the very few nationally competitive grant programs that can demonstrate this kind of real impact at the local, State, and national levels.

Since its creation in 1966, the National Sea Grant College Program has been at the forefront of addressing economic opportunities and environmental issues facing coastal communities through its research and outreach efforts. Sea Grant is user-driven and university-based, and it is fully and actively engaged with regional, State, and local organizations. Sea Grant helps America use its coastal resources wisely in order to sustain the health and productivity of coastal communities.

With the $80 million in Federal funding, Sea Grant will leverage an additional $40 million to $80 million in State and local support, continue to increase the economic development and resiliency of our coastal communities, contribute to STEM education in our communities, and help sustain the health and productivity of the ecosystems on which they depend. The Sea Grant Association is grateful to the subcommittee for the opportunity to provide this information.

PREPARED STATEMENT OF SYRACUSE UNIVERSITY, DEPARTMENT OF CHEMISTRY

I am writing to you to with the strongest possible support for the National Institute of Standards and Technology (NIST) center for Neutron Research (NCNR). The NCNR serves a key role in the education of chemistry, physics, materials science and engineering graduate students in a field that is crucial to materials science and engineering. This increasingly includes biomedical areas. There is a chronic shortage of expertise in the area of neutron science in the United States due to very long term lack of major funding dating back to at least the 1970's. The recent successful completion of the Spallation Neutron Source (SNS) at Oak Ridge National Laboratory (ORNL) goes a long way to providing a neutron facility that restores the United States to the first place in facility capability , superseding the ISIS facility in the U.K. A visit to SNS and a tour of the facility floor would immediately show that it is highly populated by persons from Europe. Europe has long held the premier position in this field and will regain this again with completion of the European Spallation Source (ESS) which is under construction in southwestern Sweden (http://europeanspallationsource.se/ess-and-skanska-sign-contract-first-phase-construction).

The NCNR has a wide variety of instrument types (http://www.ncnr.nist.gov/instruments/) providing leadership in novel instrument design and a very broad range of applications. The location of the NCNR in a major metropolitan area with ease of access from a large population center makes it an obvious choice for educational projects. I have had personal experience with this educational aspect of neutron research over a 15 year period. Over this period I was involved in dozens of trips with students, including graduate and undergraduate students from Syracuse University and others involved in summer undergraduate research. Many of these students now work in the neutron field. One of the undergraduates from SUNY Oswego switched his major to nuclear engineering and is now employed in that field. The broad range of instruments at NCNR provides an educational experience that is unique in terms of its broadening of a student's background beyond the text books into many fields.

Neutrons provide a view of materials at the atomic level that is not possible with electromagnetic radiation. This due to several factors including the ability of neutrons to penetrate optically opaque materials, the strong variation of neutron scattering with nuclear isotope (H is different from D) and the fact that neutrons with

thermal energy, and thus by definition with energy corresponding to molecular excitations, have wavelengths that are comparable to molecular sizes. This makes neutrons broadly applicable throughout engineering, manufacturing and medicine as well as basic materials science. Closure of NCNR at NIST could very well result in European dominance of this field in the very near future due to lack of a trained work force and thus threaten our economic independence.

Sincerely,

BRUCE S. HUDSON,
Professor, Chemistry, Syracuse University.

PREPARED STATEMENT OF THE UNITED STATES SECTION OF THE PACIFIC SALMON COMMISSION

Mr. Chairman, and honorable members of the subcommittee, I am W. Ron Allen, the tribal commissioner and chair for the U.S. Section of the Pacific Salmon Commission (PSC). I am also tribal chairman/CEO of the Jamestown S'Klallam Tribe located on the northern Olympic Peninsula of Washington State in Sequim. The U.S .Section prepares an annual budget for implementation of the Pacific Salmon Treaty.

Department of Commerce funding in support of implementing the Pacific Salmon Treaty is part of the Salmon Management Activities account in the National Marine Fisheries Service (NMFS) budget. Funding in the Department of Commerce budget are intended for the programs to fulfill national commitments created by the treaty was $11,181,426 in the 2014 budget. The U.S. Section estimates that a budget of $14,100,000 for fiscal year 2016 is needed to fully implement national commitments created by the treaty.

The implementation of the treaty is funded through the Departments of Commerce, Interior and State. The Department of Commerce principally funds programs conducted by the States of Washington, Oregon, Idaho and Alaska and the National Marine Fisheries Service. The costs of the programs conducted by the States to fulfill national commitments created by the treaty are substantially greater than the funding provided in the NMFS budget in past years. Consequently the States have supplemented the Federal treaty appropriations from other sources including State general funds.

The Pacific Salmon Treaty line Item of the National Marine Fisheries Service budget funded at $4,683,065 for fiscal year 2014 provides base support for the States of Alaska, Washington, Oregon, and Idaho and the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the treaty's conservation and allocation provisions for coho, sockeye, Chinook, chum, and pink salmon fisheries. Effective, science-based implementation of negotiated salmon fishing arrangements and abundance-based management approaches for Chinook, southern coho, Northern Boundary and Transboundary River salmon fisheries includes efforts such as increased annual tagging and tag recovery operations, harvest monitoring, genetic stock identification and other emerging stock identification techniques. The U.S. Section identified a need of $8,864,303 for fiscal year 2016 to fully carry out these activities.

The Chinook Salmon Agreement line item in Salmon Management Activities funded at $1,601,697 in fiscal year 2014 represents a reduction of $235,000 for previous levels. This funding supports research and stock assessment 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 24 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 funded at $358,879 and provides the U.S. contribution to bilateral cooperative salmon enhancement on the transboundary river systems which rise in Canada and flow to the sea through Southeast Alaska. This project was established in 1988 to meet U.S. obligations specified in the treaty and had been previously funded at $400,000 annually.

The 2008 Agreement line supports programs for coded wire tag improvements and Puget Sound critical chinook stocks necessary to reach the agreement on revised fishery provisions between the U.S. and Canada. The level of funding needed for 2008 Agreement programs was $3,000,000 and the amount appropriated for fiscal year 2014 was $2,828,646. The U.S. Commissioners view continued funding of these programs in the fiscal year 2016 Federal budget as necessary to address Chinook salmon conservation needs and to meet existing treaty commitments.

The core treaty implementation projects included in the Pacific Salmon Treaty line, and the U.S. Chinook Agreement line under Salmon Management Activities as well as the International Fisheries Commission line under Regional Councils and Fisheries Commissions consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers between Cape Suckling in Alaska to Cape Falcon in Oregon. The States of Alaska, Washington, Oregon, Idaho, and the National Marine Fisheries Service (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.

Like many other programs, funding to implement the Pacific Salmon Treaty decreased in recent years. Prior to that, the base annual treaty implementation funding remained essentially flat since the inception of the treaty in 1985. In order to continue to fulfill the Federal commitments created by the treaty, as costs and complexity increased over time, the States had to augment Federal funding with other Federal and State resources. However, alternative sources of funding have seen reductions or in some cases have been eliminated.

In addition to the recent budget reductions due to sequestration, NOAA changed the way administrative fees applied to the funding to implement the Pacific Salmon Treaty. Last year NOAA decided to apply an administrative fee to the treaty funding, after years of not charging administrative fees to this account. Administrative fees are applied at Commerce headquarters, National Marine Fisheries headquarters and at the regional levels. The result is less funding available for the activities to implement the treaty. While the U.S. Section understands the need for offices in the Department of Commerce to have appropriate funding for administrative activities, the change in the way administrative fees are applied compromises the efforts to successfully implement the treaty.

The provisions of five annex chapters to the treaty expire on December 31, 2018. These chapters contain the specifics for implementing the treaty for each species in each geographic area. The renegotiation for revised annex chapters is underway. In order to ensure that the renegotiations are successfully completed, the programs in the National Marine Fisheries Service contained within the Salmon Management Activities account must be adequately funded. The consequences of not successfully completing the renegotiations will be increased to the health of the fish populations and the fisheries that depend on them.

This concludes the statement of the U.S. Section of the Pacific Salmon Commission submitted for consideration by your committee. We wish to thank the subcommittee for the support given us to us in the past. Please let us know if we can supply additional information or respond to any questions the subcommittee members may have.

Thank you.

PREPARED STATEMENT OF THE UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

On behalf of the University Corporation for Atmospheric Research (UCAR), I am pleased to submit this testimony to the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies. UCAR is a consortium of over 100 research institutions, including 77 doctoral degree granting universities, which manages and operates the National Center for Atmospheric Research (NCAR) on behalf of the National Science Foundation (NSF).

I urge the subcommittee to provide the maximum amount of support possible for the vital research and education programs administered by the NSF, the National Aeronautics and Space Administration (NASA), and the National Oceanic and Atmospheric Administration (NOAA) in fiscal year 2016. These essential research agencies fund atmospheric and fundamental science in hundreds of universities across the country, benefitting from the knowledge, expertise and innovation of our academic institutions. UCAR is proud to collaborate with and enhance the capabilities of this unparalleled American resource and it is our honor to be able to draw attention to the excellent atmospheric research that is done on campuses across the United States.

UCAR has worked tirelessly to elevate the understanding of, and support for, the atmospheric sciences nationwide. The atmospheric science departments at our 105 member institutions are drivers of innovation and the fundamental scientific research that has pushed our understanding of weather, climate, space weather, atmosphere, and their interplay, into exciting and groundbreaking new areas. These

advances have improved our ability to predict and understand some of the most dangerous phenomena that occur on our planet every day. Protection of life and property are the central drivers of this scientific innovation and discovery. However, more broadly, these innovations play a significant role in protecting our national security, our homeland, our businesses, our infrastructure and most importantly, our families and communities. As demand for information, prediction, and mitigation increase nationally and across the globe, it is the collaborative and exhaustive research being conducted in our universities and research laboratories that will answer this call and make our families, communities, businesses, and infrastructure better equipped and prepared to meet the challenges and dangers of living inside Earth's dynamic atmosphere.

The challenges we face as we attempt to better understand our planet could not be faced without the strong support of the U.S. Congress, in particular this subcommittee, and the critical research agencies you fund each year. The economic impact of any single investigator's research is often difficult to quantify, however we know that investments in research and development (R&D) taken as a whole have an extremely high rate of return on investment. Economists studying the link between science funding and economic growth have found that innovation through R&D is the primary driver of growth over the long run. Nobel Prize winning MIT economist Robert Solow famously found that over half of increases in economic productivity can be attributed to new innovations and technologies. Another similar study that attempted to quantify the impact of R&D on economic growth found that increases in the level of research intensity in the United States and four other developed countries may have accounted for close to 50 percent of U.S. economic growth between 1950 and 1993.

The return on investments in the atmospheric sciences exemplifies how Federal R&D drives economic growth. The commercial weather industry leverages U.S. investments in weather observation, atmospheric research, and computer modeling to produce tailored products for a wide variety of clients, including the general public. There are now more than 350 commercial weather companies in the United States, generating nearly $3 billion in annual revenues. The growth rate of this industry is estimated to be about 10 percent per year. The vast majority of these innovations and technological advances are products of our academic institutions. Researchers, graduate students, and investigators at our universities are an astounding and innovative resource that, in light of the linkage between innovation and our economy, should be seen for what they are—our most valuable national asset. Across the country there is groundbreaking atmospheric science being done that will power our economy, save lives, protect our citizens, and impact every single American in a profound way.

Innovations don't occur in a vacuum and the U.S. Congress has long recognized and supported the symbiotic and intertwined relationship between the academic, public, and private sectors with respect to research that drives advancement. Progress made in the atmospheric sciences is a reflection of this beneficial relationship and our Federal investments. UCAR actively facilitates and initiates partnerships between these sectors. For example, the development of new weather satellite technology in the COSMIC program. COSMIC is collaboration between UCAR, NASA, NSF, the U.S. Air Force (USAF), and the Government of Taiwan. COSMIC's micro satellites harness existing GPS satellite assets to provide atmospheric readings at a fraction of the cost of the much larger weather satellite programs, while providing greater resolution for our weather prediction models. This data can mitigate any potential weather data gap and will feed the current and future forecast models while greatly improving our ability to predict severe weather and track hurricanes. The research underpinning these advancements was done at Utah State University.

Multipurpose Phase Array Radar (MPAR) is the future of ground based aviation radar and has very promising weather radar applications. MPAR will advance our real-time radar imagery and forecast ability well beyond the current Doppler radar platforms that we rely on every day. MPAR is being developed and tested for this application at NOAA's National Weather Radar Testbed (NWRT) based at the University of Oklahoma. This collaborative effort also involves the Massachusetts Institute of Technology (MIT) Lincoln Lab, the Federal Aviation Administration (FAA), and NOAA. Additional collaborations between the Georgia Institute of Technology and FAA will help to rapidly advance these applications, allowing for improved sever weather forecasting, including advances in tornado prediction and warning systems, which will save lives immediately.

Researchers at Rice University using a computer code, known as the Rice Convection Model, successfully simulated an important class of aurora called "growth phase arcs," which occur when solar wind interacts with the Earth's magnetosphere. Un-

derstanding the dynamics of Sun-Earth interactions are important aspects for improving our ability to comprehend and predict effects of space weather on Earth. These aurora events have enormous potential economic and national security impacts as they have the potential to destroy electrical grids, satellites, and the complex electrical and communications systems that we rely on in nearly every aspect of our lives.

It has been shown that weather variability can cost the United States as much as 3 percent of our annual GDP, and risks lives both in the United States and globally. At Texas A&M, atmospheric scientists are expanding our understanding of how past climate regimes influenced weather. This knowledge will allow decision makers and emergency managers to be better prepared for and therefore potentially mitigate some of the risk and costs of extreme events. Another atmospheric scientist at Texas A&M, is using computer models to study how hurricanes behave in different climate conditions. This work will improve predictions about hurricane season strength and storm numbers. A Texas A&M professor and his research group are also working with scientists at the Naval Research Lab (NRL) to improve weather forecasting models by developing techniques that make better use of atmospheric observations, ultimately improving the forecasts our citizens, businesses, and military personnel rely on every day.

Researchers associated with the National Drought Mitigation Center (NDMC), located at the University of Nebraska, Lincoln, are leading a 4-year NASA-funded project to develop the Quick Drought Response Index, or "QuickDRI." QuickDRI compliments the currently operational "VegDRI," which detects drought's effects on vegetation at time intervals of a month or less. The two programs will be used by the agriculture industry and farmers as tools to detect fast-onset or "flash" drought. This collaboration includes input and support from the University of Maryland, the U.S. Department of Agriculture, the U.S. Geological Survey (USGS), the High Plains Regional Climate Center (HPRCC), and NASA's Goddard Space Flight Center. These models will cover the entire mainland U.S. and be a valuable tool in future drought prediction and mitigation.

The NCAR-Wyoming Supercomputing Center (NWSC) provides advanced computing services to scientists studying a broad range of disciplines, including weather, climate, oceanography, air pollution, space weather, computational science, energy production, and carbon sequestration. The supercomputer is a national resource located in Cheyenne, Wyoming. Using this tool, University of Wyoming (UW) researchers are working on a NSF funded project in collaboration with Brigham Young University, Utah University, and Utah State University that is producing a comprehensive model of the upper Colorado River Basin. This model will be 100 times higher resolution than is currently available and it will play a vital role in policy and management decisions regarding the basin's water—water that supports over 30 million people in North America.

The NWSC is also used by UW researchers in a Department of Energy (DOE) funded project that is creating a computational platform to simulate (including effects of complex terrain) an entire windfarm installation of 100 turbines or more. This model will to improve wind farm siting decisions and wind turbine designs. With NASA support, UW is also developing algorithms, which incorporate geographic and weather profiles, to more efficiently design wind turbines and arrays. These technologies will maximize design efficiency and allow private power companies and their consumers to reap the cost savings from cheaper energy production.

Scientists from Scripps Institution of Oceanography at UC San Diego, NOAA, DOE, NASA, the California Department of Water Resources and other agencies are studying the phenomena of "atmospheric rivers." These "rivers" of clouds flow through the sky and can contain water vapor in excess of 10 times the flow of the lower Mississippi River. Researchers are trying to better understand the role atmospheric rivers play in drought ending precipitation events and how the composition of aerosols, which can be natural or man-made, influence the amount of rain and snow that these clouds release. This research will lead to improved forecasting that can help water managers in California and other drought afflicted States plan for precipitation events that can cause damaging floods and potentially refill reservoirs.

The University of Alabama, Huntsville (UAH) and the NASA Marshall Space Flight Center (MSFC) have entered into a partnership to form the Global Hydrology and Climate Center (GHCC). The GHCC "Lightning Team" has been investigating the causes and effects of lightning as well as analyzing a wide variety of atmospheric measurements related to thunderstorms. The primary objective of this research group is to determine the relationship between the electrical characteristics of storms and precipitation, convection, and severe weather. In order to achieve this objective, the GHCC Lightning Team has designed, constructed and deployed numerous types of ground based, airborne, and space based sensors used to detect

lightning and characterize the electrical behavior of thunderstorms. Understanding of the science that occurs in thunderstorms and lightning storms will improve our ability to predict, prepare for, and perhaps prevent the causes of lightning strikes; potentially saving lives and protecting property.

Members of the subcommittee I offer these examples not only to highlight the extraordinary work done by UCAR's member institutions but also to illustrate the fundamental role that this subcommittee plays in providing the resources that enable our most valuable national asset, our university researchers, to answer our most pressing and important questions. As Edward Teller, American physicist and member of the Manhattan Project said, "The science of today is the technology of tomorrow." With this in mind, I again urge you on behalf of our member universities, scientists, students, and all those that rely on the products and ideas born from the investments that this subcommittee makes in our scientific communities, to continue to recognize the value and return on investment that scientific R&D has provided, and will continue to provide, this great country.

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