

Opening Statement of Chairman Alan B. Mollohan

Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee

June 29, 2010

Good morning to everyone. We are assembled today to mark up the fiscal year 2011 appropriations bill for the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and a number of related agencies.

Earlier this year, our Subcommittee held an extensive set of hearings, focusing on most of the agencies funded through the bill and on the major challenges facing each. The Subcommittee received testimony from more than 50 outside witnesses, as well as from federal agency witnesses, including the Secretary of Commerce, the Attorney General, the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, and the Directors of the National Science Foundation, the Federal Bureau of Prisons, and the Federal Bureau of Investigation. We compiled a significant record of testimony and supplemental information, totaling eight hearing volumes, that has been essential to the development of the fiscal year 2011 bill we will consider today.

Let me begin by thanking the Chairman of the Full Committee, Mr. Obey, for the thoughtful considerations and courtesies he has once again extended to this Subcommittee and to me, personally, in the development of this subcommittee bill.

I also want to acknowledge the thoughtful and helpful work of the Ranking Member, Mr. Wolf, for his contributions to the development of the bill and for the spirit of comity that he brings to our work.

The Commerce, Justice, Science and Related Agencies bill affects the lives of every American in many varied and important ways. The departments and agencies funded through the bill:

- Assist the poor with legal representation;
- Punish and deter violations of our civil and criminal laws, assist victims of crime, and improve the capabilities of our law enforcement partners;
- Protect our Nation's oceans and natural habitats, and promote sustainable fisheries;
- Enable new discoveries in science, both here on Earth and in space, that lead to improvements in our health, environment, economy and overall quality of life;
- Further our understanding of the Earth's climate through observation, data collection and modeling;
- Enhance U.S. trade opportunities, and ensure trade compliance and enforcement at home and abroad;
- Conduct analyses about the drivers of economic growth that guide decision makers in shaping fiscal policy;
- Support economic development and leverage private investment to support job creation; and

- Provide appropriate, humane care for the Federal inmate population and opportunities to promote the effective reentry of inmates into their communities.

The 2011 bill totals approximately \$60.5 billion in discretionary appropriations. The bill total is slightly below the budget request and nearly \$3.9 billion below 2010, including a significant reduction due to the winding down of the 2010 Census. In developing the mark before you, we were required to weigh many different tradeoffs and make a number of very difficult decisions that necessitated reductions in several areas from the fiscal year 2010 levels or from the 2011 request. But the mark we are considering today still permits us to continue to invest in critical science research and education activities, in law enforcement at the Federal, State and local levels, and in programs that nurture commerce and economic development, and help ensure fair trade practices. I am confident that the bill presented to you today is a good, balanced bill, and that it merits your support.

For investments in science, technology and innovation, the bill provides \$32.8 billion, an increase of \$1.6 billion over comparable levels from last year. Within this level, the Subcommittee bill provides \$7.4 billion for the National Science Foundation and \$19 billion for NASA, both equal to the request. For NIST, the bill provides \$882.9 million. NOAA is recommended for \$5.5 billion. The Subcommittee recommendation continues to provide resources consistent with the doubling path identified for NSF and NIST in the COMPETES Act. It also considers the science and research conducted at NOAA and NASA as critical to the Nation's science enterprise as that performed by the NSF and NIST, and investments are recommended accordingly.

Within overall science funding, the bill provides \$1.5 billion to support all aspects of science, technology, engineering and math – or STEM – education, from kindergarten through graduate school. The bill puts a particular focus on inquiry-based instruction, broadening minority participation, and increasing graduate student fellowships.

For activities related to climate change, the bill provides \$2.6 billion, equal to the request and \$500 million above last year. The mark includes resources for NASA to accelerate the launch of space-based climate instruments needed to provide more comprehensive environmental observations; for NSF to enhance climate change research, modeling, and education; and for NOAA to support a number of activities also related to climate change, including research, global, national, and regional assessments, improved data collection and dissemination, and education.

For law enforcement and other activities of the Department of Justice, the bill provides a total of \$30 billion.

For the Bureau of Prisons, the bill provides \$6.8 billion, and continues a multi-year initiative to address long standing, critical shortages in corrections staffing. We also continue a focus on BOP's strategy for reentry programming to help reduce recidivism, and on the activation of new prison facilities to help reduce inmate overcrowding. The total includes \$170 million to acquire and renovate an existing, high security prison facility, but with bill language prohibiting the use of such a facility to incarcerate any of the Guantanamo Bay detainees. With a high security prison population that is 52 percent over BOP's rated capacity, the Federal Prison System is in desperate need of additional high security cells.

For state and local law enforcement activities, the bill provides a total of almost \$4 billion, an increase of \$250 million above the 2010 level. Within that total, the bill provides \$442

million for programs administered by the Office on Violence Against Women; \$690 million for programs administered by the COPS office; and nearly \$2.7 billion for programs administered by the Office of Justice Programs.

Across the Justice Department, the bill provides \$413 million, an increase of \$56 million over the fiscal year 2010 level, for Adam Walsh Act activities and other sex offender and child exploitation prevention and enforcement programs.

With respect to white collar crime, the bill provides more than \$100 million in new funds for the detection, investigation and prosecution of economic crimes. These funds will be used to find and punish those whose illegal and unethical behavior helped push this country into a major financial crisis; to vigorously pursue any individual or company attempting to defraud the taxpayers by engaging in fraudulent schemes targeting government-funded programs; and to anticipate and identify emerging forms of corporate and financial crime before they are fully manifested.

Another significant initiative across the Department of Justice is an increased investment in law enforcement and prosecution efforts in Indian Country, for which the bill provides approximately \$342 million. That is an increase of \$117 million above the fiscal year 2010 level, and continues an effort begun by this Subcommittee in the 2010 bill. These additional funds will be used to build the criminal justice capacity of tribes and to enhance federal investigation and prosecution efforts related to major crimes committed in Indian country.

With respect to the Department of Commerce, \$882.9 million is provided for the National Institute of Standards and Technology, including a seven percent increase for science and technology research and services. Within this amount, the bill provides \$130 million for the Manufacturing Extension Partnerships and \$79 million for the high-risk, high-reward research of the Technology Improvement Program .

The bill provides \$5.5 billion for the National Oceanic and Atmospheric Administration, consistent with a doubling path for scientific research, including the climate change investments mentioned earlier and support for critical programs to ensure sustainable fisheries and support the communities that depend upon them.

For the International Trade Administration, the bill provides an increase of \$58 million for the National Export Initiative to enhance trade opportunities for U.S. firms and to ensure trade compliance and enforcement at home and abroad. And for the U.S. Patent and Trademark Office, the bill provides \$2.3 billion, which includes a one-year, 15 percent surcharge on patent fees, as requested. These additional funds are necessary to reduce patent pendency and the application backlog, and to invest in USPTO's IT infrastructure.

For NASA, the bill provides a total of \$19 billion, an increase of \$276 million over last year's level, including significant and long needed new investments in science and education. For Human Space Exploration, the bill provides \$4.2 billion, as requested and \$498 million above 2010, but takes no position on the President's proposed new direction for the program.

Any major change to the direction of the Nation's space program should come through an authorization passed by Congress and signed into law by the President. Unfortunately, a determination about the direction of the space program has been effectively on hold for well over a year. First, we waited for the recommendations of the Augustine Commission; next we waited for the Administration to react to those recommendations; and since early this year, we

have waited for the authorizing committees to take action. In the meantime, hundreds of millions of taxpayer dollars have been invested in procurements and technology development that may or may not have a role in NASA's human exploration future.

The program of record is fiscally unsustainable and will not serve the purpose of preserving this Nation's leadership role in space exploration. It is time to move forward with a human space program that will fulfill the aspirations of a great nation, but that also has well-defined and realistic costs and goals. Until that program is defined through an enacted authorization, this Subcommittee has no business in appropriating even more funding for uncertain program outcomes. Accordingly, this bill makes the funding for Human Space Exploration available only after the enactment of such authorization legislation.

Lastly, the bill provides \$440 million for the Legal Services Administration, an increase of \$20 million above the current year and \$5 million above the request. The bill continues the existing limitations on the use of funds, except it lifts the current restriction on the ability of LSC grantees to consolidate related client cases into class action suits. Lifting this restriction will allow grantees to more efficiently address systemic issues such as predatory lending or wrongful eviction.

Each subcommittee member's staff has been fully briefed on the contents of the recommendation, and each of you has a copy of the markup notes detailing the funding levels and directives contained in the mark.

At this time, I would like to ask if our Ranking Member, Mr. Wolf, has any comments he would like to make, after which, I will recognize Mr. Obey and Mr. Lewis for their comments.