

# **GULF STATES MARINE FISHERIES COMMISSION**

**71st ANNUAL MEETING**

**OCTOBER 15, 2020**

**BRIEFING BOOK**



Gulf States Marine Fisheries Commission  
Commission Business Session

**Draft Agenda**

Thursday, October 15, 2020  
Virtual 11:00 a.m. – 3:00 p.m.

GoToMeeting: <https://global.gotomeeting.com/join/488966013>  
Phone Number: (571) 317-3112  
Access Code: 488-966-013

1. Call to Order, Introductions, Opening Comments – D. Ellinor, Chairman  
- Brief Overview of Commission Voting Procedures – D. Donaldson
2. Adoption of Agenda – D. Ellinor
3. Approval of Minutes (March 12, 2020) – D. Ellinor A
4. GSMFC Standing Committee Reports
  - a. Technical Coordinating Committee – D. Topping
    1. Data Management Subcommittee
    2. Molluscan Shellfish Subcommittee
    3. SEAMAP Subcommittee
  - b. State-Federal Fisheries Management Committee – S. Bannon
    1. GulfFIN priorities – S. Bannon/G. Bray
    2. SEAMAP priorities –S. Bannon/J. Rester
    3. IJF priorities – S. Bannon/S. VanderKooy B
    4. Menhaden Advisory Committee – P. Himchak
5. Sea Grant Fisheries Extension Meeting Report – L. Picariello
6. NOAA Fisheries Southeast Regional Office Comments – R. Crabtree
7. USFWS Region 4 Office Comments – G. Constant  
  
-- LUNCH --
8. NOAA Fisheries Budget Update – D. Donaldson/R. Crabtree C D
9. Presentation of Aquaculture Aspects of Executive Order 13921 – J. Beck/K. Riley
10. Discussion of Future Commission Meetings Schedule – All

- 11. GSMFC Program Reports
  - a. Interjurisdictional Fisheries Program – S. VanderKooy E
  - b. Aquaculture Program – S. VanderKooy F
  - c. SEAMAP – J. Rester G
  - d. CARES Act – J. Rester H
  - e. Sportfish Restoration – J. Ballard I
  - f. Aquatic Nuisance Species Programs – J. Ballard J
  - g. Fisheries Information Network – G. Bray K
  - h. Fisheries Restoration – C. Robertson L
    - 1. Barotrauma Project
    - 2. Other
  
- 12. Executive Committee Report – D. Ellinor
  - a. Audit
    - 1. GSMFC
    - 2. NOAA Inspector General
  - b. Financial Statement (9/2020)
  - c. FY2021 Budget M
  - d. Staff Compensation
  
- 13. State Directors’ Reports
  - a. Florida – D. Ellinor N
  - b. Alabama – S. Bannon O
  - c. Mississippi – J. Spraggins P
  - d. Louisiana – J. Froeba Q
  - e. Texas – R. Riechers R
  
- 14. Future Meetings – N. Marcellus
  - a. March 16-18, 2021 – Florida
  - b. October 19-21, 2021 – Texas
  
- 15. Publications List and Web Statistics
  - a. Publications – D. Donaldson S
  - b. GSMFC web site – D. Donaldson T
  
- 16. Election of Officers U
  - a. Chair – Texas Rotation
  - b. 1<sup>st</sup> Vice Chair – Alabama Rotation
  - c. 2<sup>nd</sup> Vice Chair – Louisiana Rotation

17. Other Business

ADJOURN

**COMMISSION BUSINESS MEETING  
MINUTES**

**Thursday, March 12, 2020**

**Gulf Shores, AL**

**Chairman Dan Ellinor** called the meeting to order at 11:00 a.m. **D. Donaldson** announced the passing of past GSMFC Commissioner Senator Butch Gautreaux.

**The following Commissioners and/or Proxies were present:**

Dan Ellinor, *Chairman*, FWC, Tallahassee, FL (*Proxy for Nick Wiley*)

Lance Robinson, TPWD, Austin, TX (*Proxy for Carter Smith*)

Doug Boyd, *Citizen Representative from Texas*, Boerne, TX

Chris Nelson, *Citizen Representative from Alabama*, Bon Secour Fisheries, Bon Secour, AL

Chris Blankenship, ADCNR, Montgomery, AL

Scott Bannon, ADCNR/MRD, Gulf Shores, AL (*Proxy for Chris Blankenship*)

Read Hendon, *Citizen Representative from Mississippi*, USM/GCRL, Ocean Springs, MS

Jason Froeba, LDWF, Baton Rouge, LA (*Proxy for Jack Montoucet*)

John Roussel, *Citizen Representative from Louisiana*, Zachary, LA

Joe Spraggins, MSDMR, Biloxi, MS

Paul Mickle, MSDMR, Biloxi, MS (*Proxy for Joe Spraggins*)

**Staff**

Dave Donaldson, *Executive Director*, Ocean Springs, MS

Nancy Marcellus, *Administrative Officer*, Ocean Springs, MS

Chery Noble, *Administrative Assistant*, Ocean Springs, MS

Steve VanderKooy, *IJF Program Coordinator*, Ocean Springs, MS

Jeff Rester, *SEAMAP/Habitat Coordinator*, Ocean Springs, MS

Gregg Bray, *FIN Program Manager*, Ocean Springs, MS

Joe Ferrer, *Systems Administrator*, Ocean Springs, MS

James Ballard, *Sport Fish Restoration/Aquatic Invasives Coordinator*, Ocean Springs, MS

Donna Bellais, *ComFIN Programmer*, Ocean Springs, MS

Angie Rabideau, *Senior Accountant*, Ocean Springs, MS

**Others**

Roy Crabtree, NOAA Fisheries, St. Petersburg, FL

Glen Constant, USFWS, Baton Rouge, LA

Elizabeth Scott-Denton, NOAA Fisheries, Galveston, TX

Richard Cody, NOAA Fisheries OST, Silver Springs, MD

Laura Picariello, TXSG, Corpus Christi, TX

Ashford Rosenberg, Gulf of Mexico Reef Fish Shareholders' Alliance, New Orleans, LA

Jamie Reinhardt, NOAA Restoration Center, Silver Spring, MD

Ed Swindell, Marine Process Services, LLC, Hammond, LA

Darin Topping, TPWD, Rockport, TX

## **Brief Overview of Commission Voting Procedures**

**D. Donaldson** gave a brief overview of the Commission's voting procedures and stated there was a quorum.

### **Adoption of Agenda**

*J. Spraggins moved to adopt the agenda as submitted. S. Bannon seconded and the motion passed unanimously.*

### **Approval of Minutes (October 17, 2019)**

*J. Roussel moved to approve the October 17, 2019 minutes as submitted. L. Robinson seconded the motion and the motion passed unanimously.*

## **GSMFC Standing Committee Reports**

### **Law Enforcement Committee (LEC)**

**S. VanderKooy** reported the LEC met Wednesday, March 11, 2020. The agenda was dominated by Gulf Council (LETC) items so there were only a few items for the LEC portion of the agenda. He said the Committee will be reviewing the *2019-2020 Enforcement Operations Plan* and will update it over the coming months. The work will be done via email and webinar and the final draft for the Commission's and Council's approval should be ready this fall. He said Scott Pearce reported on the progress by the Red Drum Technical Task Force; a Mangrove Snapper Technical Task Force should be established this summer; and each state reported on their activities. The LEC had no motions for approval.

*R. Hendon moved to accept the LEC Report. S. Bannon seconded and the motion passed unanimously.*

### **Technical Coordinating Committee (TCC)**

**D. Topping** gave the TCC report. He reviewed the topics discussed and the presentations that were given in each Subcommittee meeting. He also gave an overview of the General Session *Briefing on Advanced Technologies in Marine Science*. He stated the TCC passed four motions for the Commission's approval.

**D. Topping** stated J. Ballard provided a quick overview of the process used to develop the Standard Operating Procedures (SOPs) for the TCC Subcommittees. Following the overview, the group discussed the voting procedures and the membership of some of the Subcommittees and agreed that the SOPs needed more editing.

*The TCC approved a motion to have GSMFC staff send the draft SOPs back out to the TCC for review and suggested changes, compile all changes, and send it back out for final review.*

**D. Topping** stated J. Ballard provided a brief update on the *Guidelines for Marine Artificial Reef Materials: 3<sup>rd</sup> Edition*. He said that the TCC completed its final review of the document and all edits have been incorporated into the latest draft.

*The TCC approved a motion to approve the Guidelines for Marine Artificial Reef Materials: 3<sup>rd</sup> Edition.*

**D. Topping** stated G. Bray provided an update on the Data Management (GulfFIN) Subcommittee and provided a list of items for funding consideration in 2021.

*The TCC approved a motion to accept the FIN proposed funding priorities for 2021. These activities include Coordination and Administration of FIN Activities, Collecting, Managing and Disseminating Marine Recreational Fisheries Data, Operation of the FIN Data Management System, Trip Ticket Program Operations, and Biological Sampling for the period of September 1, 2021 – December 31, 2021.*

**D. Topping** stated S. VanderKooy explained the intended purpose and goals of the new TCC Molluscan Shellfish Subcommittee. He said after discussions, a number of potential topics were noted for future agenda items. Chad Hanson with PEW Trust informed the group they were beginning a gap analysis of oyster modeling and Eric Weissberger reported on NRDA funding from the DWH oil spill for oyster restoration. The Subcommittee agreed that another Oyster General Session should be held during a future GSMFC meeting. Carolina Bourque, LDWF, volunteered as Chairman of the Subcommittee and Mike Norberg, FWC, volunteered as Vice-Chairman.

**D. Topping** stated Steve VanderKooy reviewed the SOPs with the Crab Subcommittee. He said considering that Ms. Harriet Perry has been a member of this subcommittee since its founding, the SOPs are written in such a way that would exclude her from participating. Since this was unacceptable, Ms. Perry will remain a member emeritus for as long as she wishes, regardless of the language in the SOPs. The subcommittee approved the SOPs with the one modification. **D. Topping** stated Zack Darnell updated the group on the Gulf Wide Tagging project and Tom Mohrman gave a presentation on the Diamondback Terrapin.

*The TCC approved a motion to direct GSMFC staff to amend the membership section of the Subcommittee's SOPs to reflect Harriet Perry's status and list her by name.*

After extensive discussion on amending the membership section of the Crab Subcommittee SOP, the Commission felt another alternative was needed because this could set a precedent for other Subcommittees. The GSMFC Staff will work on a more viable solution concerning Ms. Perry and it will be incorporated into the SOPs that will be finalized in October.

*D. Topping withdrew the motion to amend the membership section of the Crab Subcommittee's SOP.*

**D. Topping** stated Jessica Stephen provided a presentation on the status of the Southeast For-Hire Integrated Electronic Reporting program (SEFHIER). SEFHIER is a mandatory electronic

reporting program for federal for-hire permit holders and NOAA has asked the states to participate in the program. **D. Donaldson** asked the Commission if they should explore working with NOAA on this Program. The Commission had no objection with staff exploring working with NOAA on this program.

**D. Topping** reported the SEAMAP Subcommittee discussed the collection of representative specimens for identification purposes. The Subcommittee revised the SEAMAP Trawling Operations Manual and all three SEAMAP components are in the process of drafting the SEAMAP 2021-2025 SEAMAP Management Plan. The SEAMAP Habitat Mapping Work Group held their first meeting last November where they discussed developing an Operations Manual for conducting side scan sonar sampling. He said once the Habitat Mapping Work Group becomes more established, they would like to pursue outside funding sources to pay for ship time and to process data. The Subcommittee also discussed their plans for 2020 sampling for all SEAMAP surveys.

**D. Topping** reported under Other Business, the TCC discussed the possibility of the GSMFC helping with iTAG by coordinating meetings and the iTAG membership. It was suggested that Dr. Susan Lowerre-Barbieri give a presentation on iTAG and the possible role the GSMFC could play in supporting the program at the October TCC Meeting.

**S. Bannon** moved to accept the TCC Report and the three motions. **R. Hendon** seconded the motion and the motion passed unanimously.

#### **S/FFMC Menhaden Advisory Committee (MAC)**

**S. VanderKooy** gave the MAC report. He stated the Committee approved one motion. MSC certification in the Gulf for menhaden was achieved in October 2019. Under the Client Action Plan (CAP) the industry must improve their overall 6 conditional scores to 80 or better over the next four years. He said the last revision to the Commission's Gulf Menhaden FMP has been 5 years and the MAC requests to do an updated FMP. He reminded the Commissioners the Commission stopped developing FMPs because they are not actual enforcement plans and do not require adoption by the states so the Commission has moved to Biologic and Management Profiles. He said if a revision is approved, the Operational Assessment (OA) currently on the SEDAR calendar for 2023 would need to be moved up to 2021 and the revision to the FMP has to be completed by 2022.

**The MAC** moved to request the GSMFC allow the MAC to revise the 2015 Gulf Menhaden Fishery Management Plan and update the stock assessment with a completion date by 2022.

**After extensive discussion on revising the Gulf Menhaden Fishery Management Plan, R. Hendon** moved to approve the motion. **C. Nelson** seconded the motion. The motion failed to pass with 1 in favor and 8 against.

**J. Froeba** moved to accept the S/FFMC Menhaden Advisory Committee Report. **S. Bannon** seconded the motion and the motion passed unanimously.

## **NOAA Fisheries Southeast Regional Office Comments**

**R. Crabtree** stated the complete report is in Tab B of the Briefing Book. He said they have been preoccupied with the Coronavirus and several meetings have been cancelled or postponed because of the virus. They are also having problems with their observer program in Alaska with the fishermen not allowing observers onboard because most of the observers are from the Seattle area where the virus is prevalent. He said it is a possibility that near future meetings will be held via conference call or some other form of electronic communication. He said they are waiting on the court decision on the Gulf Aquaculture final rule litigation. If the court does reverse the decision, he expects it will be remanded back to court again to address other issues of the lawsuit, so this will continue for a while. If the decision is reversed, NOAA will be able to issue aquaculture permits until the next ruling. He said they are waiting for a decision from EPA on the proposal for a pilot study off Sarasota, Florida to culture albacore jack in a single cage in Federal waters. He said Manna Fish Farms is planning to establish an 18-cage commercial scale finfish operation about 20 miles off the coast of Pensacola but they have not applied for any federal permits. He reported on the Reef Fish Amendment 50 A-F which established the state management of the private recreational sector for red snapper and a framework action to reduce the red grouper annual catch limit. He also stated the federal for-hire season will again be 62 days.

## **USFWS Region 4 Office Comments**

**G. Constant** said Allan Brown sends his apologies for not being able to attend the meeting. He updated the Commission on the DOI reorganization and stated a new FWS Director was confirmed in December, Aurelia Skipwith, and she approved the FWS budget a few weeks ago which includes the \$150K small grants program administered by the Commission. He said she plans to continue working with the Commission on the small grants program and there is additional funding available for invasive species, specifically for Asian Carp. He said A. Brown is working to develop more visibility for the various FWS aquatic conservation offices and identify what roles those offices play.

## **Sea Grant Fisheries Extension Meeting Report**

**L. Picariello** reported that due to scheduling conflicts Sea Grant met via Webinar before the Commission meeting. She said the priority topics discussed were Shark Depredation Issues and Artificial Reefs/Fisheries Interactions. She said each state gave an update on current program activities. Also, A. Rosenberg gave a guest report on the Gulf of Mexico Reef Fish Alliance Program.

## **Status and Overview of Aquaculture RFPs**

**S. VanderKooy** stated the complete report is under Tab C of the Briefing Book. He said the three Commissions released a new RFP this year to request partnership projects in a Consortium approach, funding multiple agency proposals for three to five years. Several projects were submitted and there is a collaboration of several partners implementing a genetic selection program to identify local stocks which can be used to improve production performance and develop disease and water quality resistant oyster stocks through a selected breeding program. The second round



of funding for pilot projects totaled \$450K and includes three projects, two of which were continuations of previous work by Kampachi Farms and Mote who are working on hatchery techniques for Almaco Jack, intended to support the Vellella Epsilon project off Florida. Auburn University is combining Sea Urchin culture into off-bottom oyster techniques as a natural anti-fouling agent and potential second crop; and the University of Southern Mississippi is continuing to move toward a finfish farm in the northern Gulf. The three projects will run until June of 2020. Seven individual projects were funded to begin work February 1, 2020 and the projects include four potential aquaculture species, an offshore aquaculture working platform, and two hatchery projects for seed production and broodstock development. He said to date, a total of \$1.6 M has been distributed for oyster related projects in the Gulf of Mexico through the NOAA/GSMFC program.

### **NOAA Fisheries & Fish and Wildlife Service Budget Update**

**D. Donaldson** gave an update on the NOAA Fisheries and USFWS budget. He referred to Tab D, E and F of the Briefing Book. He stated the FY2020 NMFS budget was just under \$950M. Fisheries Data Collections, Surveys and Assessments was appropriated \$174M and that includes FIN and SEAMAP funding and is an increase from last year. Aquaculture was level funded at \$15M, the Councils and Commissions were level funded at \$40M, the IJF program was level funded at \$3.4M, and enforcement received \$74M which is an increase but some of that funding will support implementing SEFHIRE, which was mentioned earlier. He said FIN and IJF has had increases over the last several years and there has been language to increase SEAMAP funding in appropriations reports, but they have not had any increased funding. He stated as G. Constant mentioned earlier, the USFWS budget has been approved with increased funding for ANS. He believed the Congressional Delegation trips have had a positive effect and he and the other Directors will continue these trips to discuss increased funding for all the programs in which the Commissions are involved.

### **Update on MRIP Calibration Schedule and Other Issues**

**R. Cody** gave a brief update on the MRIP Program. He stated most of the program is calibration work but a small portion deals with the Modern Fish Act. He gave background information on the program and said they are in various stages of calibrations with the states. He said the Modernizing Recreational Fisheries Management Act (MRFMA) has a number of different reporting requirements for state partnerships and they have drafted a plan based on the FIN structure. This has been distributed to the FIN Committee for input by the end of April. They will have to have a report to Congress by the end of the year containing inventory of information collected by states and the Secretary; data collection priorities; accuracy of state collection programs; description of accuracy of state angler registries; and state registry MOAs. A copy of the complete presentation may be obtained upon request to the GSMFC office.

### **Deepwater Horizon NRDA Open Ocean Update**

**J Reinhardt** gave an update on the work of the Open Ocean Restoration Trustee Implementation Group (TIG) and provided detail on the work being done to restore the injured fish resources. He provided a general overview of the TIG process and the Open Ocean TIG Restoration Plan No. 2

and the outcomes of the restoration plan. He reviewed each project under the plan and highlighted the Barotrauma project where the NDRA would like to partner with the states and the Commission. **D. Donaldson** asked the Commission if they should explore working with NDRA on this project. The Commission had no objection with working with NDRA on this project. The presentation can be obtained by request to the GSMFC office. He also provided a website for more information [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov).

### **Presentation and Discussion of GSMFC BREP Project**

**E. Scott-Denton** gave a presentation on the Bycatch Reduction and Engineering Program (BREP) Project using Artificial Intelligence (AI) and Machine Learning (ML) innovation in Fisheries and Protected Species Monitoring in the Gulf of Mexico. She said they contacted the Commission and developed a preproposal that has been accepted and wants the Commission's approval to go forward when the full proposal is final. These projects focus on the application of a newly released open-source Video and Image Analytics for Marine Environments (VIAME) toolbox, a tool used widely in ML analytics for automated object detection, tracking, and classification of marine species. She explained how AI and ML is used to reduce protected species and large or rare bycatch in commercial fisheries in the Gulf of Mexico. Current observer coverage in the shrimp fishery is low (2% of the annual commercial effort); however, using ML tools in conjunction with Electronic Monitoring provides a valid alternative if increasing observer coverage is cost prohibitive. They are also exploring ways to utilize AI to augment other Gulf of Mexico observer programs. The complete presentation may be obtained upon request to the GSMFC office.

**D. Donaldson** stated there are 4 projects the Commission could potentially be involved in with the NOAA Fisheries Galveston Lab. He said the first project is a bycatch reduction engineering program proposal and J. Rester will submit a proposal and if selected, he would work on the project and no other personnel would have to be hired.

**R. Hendon moved for the Commission to submit a proposal for this project and if selected, to move forward with the project. S. Bannon seconded and the motion passed unanimously.**

**D. Donaldson** stated the other projects would require the Commission to hire new personnel in Galveston for the duration of the projects. The Commission would also have to purchase all equipment needed for the projects. The Commission discussed extensively on how they could hire personnel and purchase equipment and if there were any benefits to the Commission to do these projects. The start-up date for the projects is July 1, 2020.

**S. Bannon moved to have Commission staff do research on how to execute the projects and give the Executive Director and his staff the authority to make the final decision on if the Commission will do the projects or not. R. Hendon seconded the motion.**

After further discussion, a substitute motion was made:

**R. Hendon moved to direct staff to further explore the opportunity in working with the NOAA Fisheries Galveston Lab on these projects and provide a recommendation back to the**

*Commission for approval via email or conference call. J. Froeba seconded and the motion passed unanimously.*

### **Presentation of the Young Fisherman Program**

**A. Rosenberg** gave a presentation of the *Young Fisherman Program*. She stated the average age of a commercial fisherman is increasing and this program focuses on recruiting young people to become involved in the commercial fishing industry. She reviewed the timeline and potential funding for the program and stated other regions are having the same problem and are implementing programs also. The Commissioners agreed this is a very worthwhile program and asked to be informed of the project's progress. A copy of the presentation is available upon request to the GSMFC office.

### **Lyles-Simpson Award Recipient Selection for 2020**

The floor was opened for nominations for the 2020 *Lyles-Simpson Award*. **P. Mickle** moved to nominate Harriet Perry as the 2020 Lyles-Simpson Award Recipient. **R. Hendon** seconded the motion and the motion passed unanimously.

### **GSMFC Program Reports**

#### **Interjurisdictional Fisheries Program**

**S. VanderKooy** stated the complete report is under Tab H of the Briefing Book. He said the last Red Drum Management Profile meeting was held in November and they had a meeting scheduled in two weeks but was cancelled due to Coronavirus travel restrictions. He will plan a webinar for the meeting. He said they will start the Mangrove Snapper Management Profile this summer and the Otolith Manual Revision is near completion. They are continuing to analyze samples from the tripletail genetics project and they have over 500 samples from around the world and will continue reaching out to other countries for samples for input into the global library. He said they have released 30 tagged fish in the Mississippi Sound in October and 20 in the middle Keys in December via the Tripletail Acoustic Tagging program. There has been issues with flounder in recent years and through the IJF program and LSU they will coordinate a symposium to begin to explore these issues. He will publish a proceeding of the symposium and distribute it to the Commissioners when it is completed.

### **SEAMAP**

**J. Rester** reported that since October SEAMAP has completed the Fall Shrimp/Groundfish Survey and the Vertical Line Survey. The Spring Plankton Survey is due to start in April. Funding continues to be an issue with fishery independent sampling in the Gulf of Mexico. Over the last several years, SEAMAP has used supplemental funding from NFWF to help collect fishery independent data but now NFWF has ended for Florida, and will end this year for Alabama and Mississippi. This will drastically impact Florida's participation in the SEAMAP Shrimp/Groundfish Surveys this year. NFWF recognizes the importance of fishery independent data and the need for additional funding for the data collection but they are not sure they should

be the funding source for the data collection. SEAMAP has been level funded since 2014 and additional funding is needed if fishery independent data collection is to continue at current sampling levels. He stated the SEAMAP Habitat Mapping Work Group held their first meeting last November where they discussed developing an Operations Manual for conducting side scan sonar sampling. He said once the Habitat Mapping Work Group becomes more established, they would like to pursue outside funding sources to pay for ship time and to process data. The Commission continues to manage SEAMAP data and distribute the data to interested parties. They have fulfilled four SEAMAP data requests and various databases have been downloaded 72 times since the October 2019 meeting.

### **Sportfish Restoration Program (SPRP)**

**J. Ballard** stated the detailed report is under Tab J of the Briefing Book. He has incorporated all final edits from the TCC into the updated edition of the Atlantic States Marine Fisheries Commission's and Gulf States Marine Fisheries Commission's 2004 *Guidelines for Marine Artificial Reef Materials: Second Edition*. The TCC approved the document so it will be available electronically through the Commission website. The Atlantic States Marine Fisheries Commission is also moving it through their approval process. This will be a "living document" so as new information becomes available on any of the materials, the Subcommittee will update that section only, so they will not have to update the full document. **J. Ballard** said that through a partnership with the USM/GCRL they have been able to start testing the field component of the *Gulf Artificial Reef Monitoring and Assessment Program*. The field sampling is testing a draft standardized monitoring protocol that was modeled after existing long-term monitoring programs, utilizing comparable gear types and methodologies where possible. It is also testing the gear that was built for the program, as well as a data entry program that was developed by the GSMFC. The long-term goal of this effort is to develop a program that will provide standardized baseline data for artificial reefs across the Gulf of Mexico. He said this is the second year he has worked with the MSDMR on the *Jimmy Sanders Memorial Lionfish Challenge*. He said some changes have been made based on feedback from the divers who participated in the first year, but they still did not see a large increase in the number of lionfish collected. Finally, he said they are exploring ways to increase funding for the SFRP to help support and coordinate more sport fish restoration activities across the Gulf of Mexico. The program has been level funded since its inception in 1987.

### **Aquatic Nuisance Species Program (ANS)**

**J. Ballard** stated the complete report is under Tab K of the Briefing Book. He said they hosted the fall meeting of the Gulf and South Atlantic Regional Panel (GSARP) in November in Charleston, SC. The details from that meeting are available on the Panel's website. He attended the fall meeting of the Aquatic Nuisance Species Task Force (ANSTF) which was held in Beltsville, MD in November. As mentioned by G. Constant earlier, GSMFC is continuing to partner with the USFWS ANS small grants program and over the last six years 39 projects totaling \$850 K has been funded. He is currently working with USFWS to distribute the RFP for this year's funding. He said they continue to support the invasive species traveling trunk program and since 2012 the trunks have been used approximately 1,600 days. They continue to update the materials to keep them relevant. **J. Ballard** said he is chairing the ANS Task Force Prevention

Committee which is tasked with addressing five key outputs of the new strategic plan: evaluating and refining the NISC/ANSTF pathway risk assessment process, and completing guidelines for the use and interpretation of these tools; addressing new ANS introductions to determine where prevention measures may have been lacking, been ineffective or resulted from gaps in authority; establish an ad-hoc committee to evaluate and implement the roles and responsibilities of the ANSTF under the Vessel Incidental Discharge Act (VIDA); enter into national prevention practices and agreements with natural resource agencies and responsible industry sectors that consider invasion risks within operations; and working with applicable federal agencies and responsible industry sectors to make organisms in trade importation data electronically available and searchable for organisms imported into the US and ensure this data is correctly identified to species. He said the GSARP's meeting is scheduled for April 21-22 in Mobile and the ANSTF meeting is tentatively scheduled for May 5-7 in Mystic, Connecticut but due to the Coronavirus they will probably be cancelled or postponed.

### **Fisheries Information Network (FIN)**

**G. Bray** gave a brief update of the GulfFIN program. He said GulfFIN is the fishery dependent monitoring arm of the Commission and he reviewed the 2019 activities. The areas focused on were recreational landings sampling; commercial trip ticket programs; biological sampling for ages and lengths; and GulfFIN Program and data management and system administration. All of the work for 2019 met their intended goals and 2019 is considered extremely successful. He said some new activities were assisting the state of Florida with a swipe card project specific to their commercial trip ticket program. This is an add on that allows them to electronically initiate commercial trip ticket transactions and provides an additional level of quality control by prepopulating some of the fields that are necessary at the initiation of a transaction. This could potentially pave the way for Florida to move away from paper reporting options. The project is still in the finishing stages but he feels it has been highly successful. He said they have also assisted all five states on a research project working on shrimp commercial conversion factors. The goal is to validate, and if necessary, update conversion factors that are used to determine the whole weight of commercial landings from their reported units. Many of the conversion factors that are currently being used are extremely old so they have a species priority list and are doing this one species at a time. He said they have completed two projects within the office to improve the FIN Data Management System, including additional quality control on the trip ticket data and creating new tools for getting biological age and length data into the system. Finally, for 2019 they provided data for three federal stock assessments. He stated the complete report is under Tab L of the briefing book and in the report is a list of the 2020 GulfFIN funding priorities.

### **Executive Committee Report**

The following Executive Committee Report was submitted:

#### **Approval of Agenda**

**D. Donaldson** removed the discussion of the NOAA Inspector General Audit Results due to the fact that a final decision from NOAA regarding the audit has not been received. When the Commission receives the determination from NOAA, there will be a conference

call to discuss the issue. *D. Ellinor moved to approve the agenda as amended. The motion was seconded by J. Froeba and the motion passed unanimously.*

### **Discussion of Hiring Additional Staff Members**

**D. Donaldson** stated the NRDA Barotrauma proposal would bring approximately \$10 million over a period of seven years and therefore would necessitate the addition of a program coordinator for the term of the award and a grants manager to assist A. Rabideau with the additional grant related workload. After a brief discussion, the Executive Committee didn't see any issues with the hiring of additional staff members associated with the NRDA project.

The SEFSC Galveston Lab approached the Commission about hiring 4 additional staff members to manage proposed projects. The projects include:

- US Gulf of Mexico SPGM Effort Data Collection Program
- US Gulf of Mexico Platform Removal Observer Program Sea Turtle & Marine Mammal Artificial Intelligence Machine Learning Innovation Program
- US Gulf of Mexico Shrimp & Menhaden Innovation Program

Administrative funding would be provided by NOAA to compensate the employees but employees would be housed at the Galveston Lab. **D. Donaldson** noted that this issue will be discussed during the Commission Business Meeting and a decision will be made during that meeting.

### **Discussion of GSMFC Indirect Cost Rate**

**D. Donaldson** stated that the OIG audit prompted the Commission to begin using an indirect cost rate effective January 1, 2020. **A. Rabideau** reviewed the process of hiring an outside consulting firm to calculate the indirect cost rate. She stated that the Commission's software had to be customized to correctly calculate the appropriate indirect cost. She is working with the Abila software consultant to implement the 33.77% rate into the software.

### **Other Business Items for Discussion**

**D. Donaldson** discussed various other business topics. He asked the Committee to review the Southeast Aquatic Resources Partnership (SARP) meeting and make a recommendation whether to continue funding the meeting. It is currently funded by the Aquaculture funding program. After some discussion, the Committee will talk with their staff members who participate in SARP and gauge the utility of SARP and provide their feedback to the Executive Director.

**D. Donaldson** discussed the potential benefit to send all five state legislations the Commission's Annual Report. Texas has requested the Annual Report be sent to the state legislature to demonstrate the importance of the organization. Involvement of other state legislatures may promote engagement in Commission activities.

**D. Donaldson** discussed the success of the annual Gulf Delegation Congressional trip. Discussion included changing the format and length of the annual visit. Everyone agreed the trips have been successful. **D. Donaldson** asked the Committee to consider and make

recommendations for the annual trip. **J. Spraggins** noted that having all 5 Gulf States Directors participate in the trip is important and suggested that the trip be reduced to 2 days. The visits could combine multiple offices at once and maybe a breakfast and lunch meeting for each day. By shortening the duration, it could ensure that all the Directors are able to participate. **D. Donaldson** stated that this issue can be further discussed and a decision will be made as next year's trip gets closer.

### **Staff Compensation**

**D. Donaldson** stated that the issue of staff compensation was deferred until the outcome of IOG audit was received. While the results of the audit have not been received, he recommended that the Committee still consider providing compensation for staff. **L. Robinson** noted that the optics of providing raises to staff while the potential for payback due to the audit could be viewed as unfavorable. He also noted giving raises to Commission staff while the state personnel have not received raises in a number of years could be viewed as not favorable as well. After some discussion, the Executive Committee recommended the following regarding staff compensation:

- 3.5% or a minimum of a \$1,000 raise for all.

**J. Spraggins moved to accept these recommendations. The motion was seconded by J. Froeba and passed unanimously.**

*Being no further business, the meeting was adjourned at 9:15 a.m.*

*S. Bannon moved to accept the Executive Committee Report. L. Robinson seconded the motion and the motion passed unanimously.*

### **State Directors' Reports**

All detailed state reports were submitted before the meeting and are in the briefing book. Each state Director gave a brief overview of their report.

### **Future Meetings**

**N. Marcellus** reported the next meeting will be in the state of Florida and she has been working with **D. Ellinor** on potential locations. She mailed several proposals and has received several responses. One potential proposal is with Hawk's Cay in Duck Key and she said **D. Ellinor** would like for her to pursue this further. The meeting after that will be in Texas and she will work with L. Robinson on a location.

### **Review of Committee Listings**

**D. Donaldson** stated several years ago it was suggested that a list of committee members by state be distributed each year to the Commissioners to review the membership. He said the listings were emailed and are in Tab Q of the briefing book and asked the Commissioners to review and send

any changes to **C. Noble**. He said in the future they will include a committee description and the SOPs to give guidance on the selection of the committee member.

### **Publications List and Web Statistics**

**D. Donaldson** stated Tabs R and S of the Briefing Book has the information on publications and the website. He said if there are any questions to contact **D. McIntyre** for Publications and **J. Ferrer** for the web statistics.

### **Other Business**

**D. Ellinor** thanked the staff for yet another successful meeting. He also thanked **S. Bannon** and **C. Blankenship** for hosting the meeting and stated the facility is great and would like to have all meetings at this location.

*There being no further business, the meeting adjourned at 4:27 p.m.*



## **IJF Small Grants FY2021**

Proposals submitted by the five state agencies for the small grants funding are currently in review with the NOAA Southeast Regional Office. The proposed projects are one year in duration and total \$280,000 for each state. The scope of work is summarized below. Another round of funds will be available for the following year. Staff will request project continuations or new projects in March for the following year.

### **Blue Crabs**

Mississippi and Louisiana are planning to conduct additional sampling from the Blue Crab fisheries. LDWF will be collecting size, sex, and maturity data directly from the commercial catch dockside and MDMR will be running their own commercial traps to survey crab abundances, sex ratios, and bycatch.

### **Scallops**

Florida will be conducting a creel survey specifically targeting recreational harvest of Bay Scallops along the Gulf coastal waters. These are not currently intercepted under MRIP protocols or priorities.

### **Oysters**

Mississippi will be exploring oyster recruitment and settlement patterns during 'non-peak' seasons. The work will survey spat year-round using settlement plates across Mississippi Sound and include both historic reefs and artificial reefs.

### **Flounder**

Four of the five states are targeting Southern Flounder in the IJF Small Grant projects. These activities include sampling gear modifications, acoustic tagging, genetics, and restoration through hatchery efforts.

#### Reproduction

Texas and Alabama are focusing work on flounder in hatchery settings. TPWD has been producing Southern Flounder for stocking purposes but will explore temperature-dependent sex determination of their released fish. It is suspected that increasing Gulf temperatures could be biasing toward male dominated populations which are typically smaller and not harvested under the current minimum size limits. This work may assist the department in producing much needed females for restoration.

Alabama will be working on producing Southern Flounder in the hatchery for stocking as well as cryopreservation of sperm for increased production in the future. The collection of males has proven difficult due in part to their smaller size and unavailability in the commercial catches. Males that are captured may be able to be used much longer as a source of reproductive material if preservation is viable.

#### Acoustics and Tagging

Alabama, Mississippi, and Texas will be acoustically tagging Southern Flounder and use existing or expanding receiver arrays to detect their movements. This work will aid in determining timing of spawning migrations, habitat use, and movements in and out of the estuaries during the rest of the year.

TPWD will focus on fish in the Sabine Lake area. MDMR will tag fish in the Pascagoula Bay and River. They will also establish gates at the confluence of the Pascagoula estuary and Mississippi Sound, and another along the channel between Horn Island and Petit Bois Island. AMRD will contract with the Dauphin Island Sea Lab to expand the receiver array in Mobile Bay and determine movement and habitat usage throughout the Bay.

#### FID Gear Studies

Mississippi and Louisiana are proposing new or modified gear to supplement the long-term monitoring of all species which will likely improve sampling of otherwise under-represented species like flounders. MDMR is proposing the use of small balloon trawls (6 and 12ft) in their routine sampling. Additional bag seines will be deployed in the three coastal counties monthly as an expansion of the current sampling protocols as well.

LDWF will be experimenting with a modified hoop net to target Southern Flounder which are not adequately represented in the existing FID collections. The new gear is intended to increase catches of flounder, especially around the various barrier islands. The results will be compared with existing trammel net surveys to determine the effectiveness of the gear as well as habitat use by flounder in these areas during pre-spawning migrations.

#### **All IJF Species**

##### Expanded Commercial Sampling

Florida will be increasing their sampling along NW Florida, Big Bend, and the Cedar Key region. Commercial fisheries in these areas are under-represented in the Trip Interview Program (TIP). These areas are not currently targeted under GulfFIN, so sampling to include blue crab, stone crab, shrimp, mullet, flounder, sheepshead, and baitfish will be conducted by agency staff.

##### Data Integration

Mississippi will be making improvements to their FID database to streamline data entry of current monitoring data, simplify QA/QC, and integrate historic data into a uniform format.

##### Genetic Monitoring

Texas will be conducting surveys for assessing the presence and abundance of marine finfish in Texas waters using environmental genetics. TPWD will collect water samples to check for eDNA which can be identified using PCR techniques. The sequencing will be using primers for Red Drum as the test species. Once validated, the tool may be expanded to include detection of other species which are not well represented in traditional monitoring and sampling.

## Union Calendar No. 366

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7667

[Report No. 116–455]

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2021, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

Mr. SERRANO, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2021, and for other purposes.



1 aliens by contract for services; rental of space abroad for  
2 periods not exceeding 10 years, and expenses of alteration,  
3 repair, or improvement; purchase or construction of tem-  
4 porary demountable exhibition structures for use abroad;  
5 payment of tort claims, in the manner authorized in the  
6 first paragraph of section 2672 of title 28, United States  
7 Code, when such claims arise in foreign countries; not to  
8 exceed \$294,300 for official representation expenses  
9 abroad; purchase of passenger motor vehicles for official  
10 use abroad, not to exceed \$45,000 per vehicle; obtaining  
11 insurance on official motor vehicles; and rental of tie lines,  
12 \$542,428,000, of which \$75,000,000 shall remain avail-  
13 able until September 30, 2022: *Provided*, That  
14 \$11,000,000 is to be derived from fees to be retained and  
15 used by the International Trade Administration, notwith-  
16 standing section 3302 of title 31, United States Code: *Pro-*  
17 *vided further*, That, of amounts provided under this head-  
18 ing, not less than \$16,400,000 shall be for China anti-  
19 dumping and countervailing duty enforcement and compli-  
20 ance activities: *Provided further*, That the provisions of the  
21 first sentence of section 105(f) and all of section 108(c)  
22 of the Mutual Educational and Cultural Exchange Act of  
23 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-  
24 rying out these activities; and that for the purpose of this  
25 Act, contributions under the provisions of the Mutual

1 Educational and Cultural Exchange Act of 1961 shall in-  
2 clude payment for assessments for services provided as  
3 part of these activities.

4 BUREAU OF INDUSTRY AND SECURITY  
5 OPERATIONS AND ADMINISTRATION

6 For necessary expenses for export administration and  
7 national security activities of the Department of Com-  
8 merce, including costs associated with the performance of  
9 export administration field activities both domestically and  
10 abroad; full medical coverage for dependent members of  
11 immediate families of employees stationed overseas; em-  
12 ployment of citizens of the United States and aliens by  
13 contract for services abroad; payment of tort claims, in  
14 the manner authorized in the first paragraph of section  
15 2672 of title 28, United States Code, when such claims  
16 arise in foreign countries; not to exceed \$13,500 for offi-  
17 cial representation expenses abroad; awards of compensa-  
18 tion to informers under the Export Control Reform Act  
19 of 2018 (subtitle B of title XVII of the John S. McCain  
20 National Defense Authorization Act for Fiscal Year 2019;  
21 Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et  
22 seq.), and as authorized by section 1(b) of the Act of June  
23 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase  
24 of passenger motor vehicles for official use and motor vehi-  
25 cles for law enforcement use with special requirement vehi-

1 cles eligible for purchase without regard to any price limi-  
 2 tation otherwise established by law, \$137,664,000, to re-  
 3 main available until expended: *Provided*, That the provi-  
 4 sions of the first sentence of section 105(f) and all of sec-  
 5 tion 108(c) of the Mutual Educational and Cultural Ex-  
 6 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall  
 7 apply in carrying out these activities: *Provided further*,  
 8 That payments and contributions collected and accepted  
 9 for materials or services provided as part of such activities  
 10 may be retained for use in covering the cost of such activi-  
 11 ties, and for providing information to the public with re-  
 12 spect to the export administration and national security  
 13 activities of the Department of Commerce and other ex-  
 14 port control programs of the United States and other gov-  
 15 ernments.

16           ECONOMIC DEVELOPMENT ADMINISTRATION

17           ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

18           For grants for economic development assistance as  
 19 provided by the Public Works and Economic Development  
 20 Act of 1965, for trade adjustment assistance, and for  
 21 grants authorized by sections 27 and 28 of the Stevenson-  
 22 Wydler Technology Innovation Act of 1980 (15 U.S.C.  
 23 3722 and 3723), \$314,000,000, to remain available until  
 24 expended, of which \$35,000,000 shall be for grants under

1 such section 27 and \$4,500,000 shall be for grants under  
2 such section 28.

3 SALARIES AND EXPENSES

4 For necessary expenses of administering the eco-  
5 nomic development assistance programs as provided for by  
6 law, \$42,000,000: *Provided*, That funds provided under  
7 this heading may be used to monitor projects approved  
8 pursuant to title I of the Public Works Employment Act  
9 of 1976, title II of the Trade Act of 1974, sections 27  
10 and 28 of the Stevenson-Wydler Technology Innovation  
11 Act of 1980 (15 U.S.C. 3722 and 3723), and the Commu-  
12 nity Emergency Drought Relief Act of 1977.

13 MINORITY BUSINESS DEVELOPMENT AGENCY

14 MINORITY BUSINESS DEVELOPMENT

15 For necessary expenses of the Department of Com-  
16 merce in fostering, promoting, and developing minority  
17 business enterprises, including expenses of grants, con-  
18 tracts, and other agreements with public or private organi-  
19 zations, \$52,000,000, of which not more than  
20 \$16,000,000 shall be available for overhead expenses, in-  
21 cluding salaries and expenses, rent, utilities, and informa-  
22 tion technology services.



## 1 ECONOMIC AND STATISTICAL ANALYSIS

## 2 SALARIES AND EXPENSES

3 For necessary expenses, as authorized by law, of eco-  
 4 nomic and statistical analysis programs of the Department  
 5 of Commerce, \$111,855,000, to remain available until  
 6 September 30, 2022.

## 7 BUREAU OF THE CENSUS

## 8 CURRENT SURVEYS AND PROGRAMS

9 For necessary expenses for collecting, compiling, ana-  
 10 lyzing, preparing, and publishing statistics, provided for  
 11 by law, \$288,403,000: *Provided*, That, from amounts pro-  
 12 vided herein, funds may be used for promotion, outreach,  
 13 and marketing activities.

## 14 PERIODIC CENSUSES AND PROGRAMS

## 15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for collecting, compiling, ana-  
 17 lyzing, preparing, and publishing statistics for periodic  
 18 censuses and programs provided for by law,  
 19 \$1,392,709,000, to remain available until September 30,  
 20 2023: *Provided*, That, from amounts provided herein,  
 21 funds may be used for promotion, outreach, and mar-  
 22 keting activities: *Provided further*, That within the  
 23 amounts appropriated, \$3,556,000 shall be transferred to  
 24 the “Office of Inspector General” account for activities as-

1 sociated with carrying out investigations and audits re-  
2 lated to the Bureau of the Census.

3 NATIONAL TELECOMMUNICATIONS AND INFORMATION

4 ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses, as provided for by law, of  
7 the National Telecommunications and Information Ad-  
8 ministration (NTIA), \$45,500,000, to remain available  
9 until September 30, 2022: *Provided*, That, notwith-  
10 standing 31 U.S.C. 1535(d), the Secretary of Commerce  
11 shall charge Federal agencies for costs incurred in spec-  
12 trum management, analysis, operations, and related serv-  
13 ices, and such fees shall be retained and used as offsetting  
14 collections for costs of such spectrum services, to remain  
15 available until expended: *Provided further*, That the Sec-  
16 retary of Commerce is authorized to retain and use as off-  
17 setting collections all funds transferred, or previously  
18 transferred, from other Government agencies for all costs  
19 incurred in telecommunications research, engineering, and  
20 related activities by the Institute for Telecommunication  
21 Sciences of NTIA, in furtherance of its assigned functions  
22 under this paragraph, and such funds received from other  
23 Government agencies shall remain available until ex-  
24 pended.

1 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
2 AND CONSTRUCTION

3 For the administration of prior-year grants, recov-  
4 eries and unobligated balances of funds previously appro-  
5 priated are available for the administration of all open  
6 grants until their expiration.

7 UNITED STATES PATENT AND TRADEMARK OFFICE  
8 SALARIES AND EXPENSES  
9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the United States Patent  
11 and Trademark Office (USPTO) provided for by law, in-  
12 cluding defense of suits instituted against the Under Sec-  
13 retary of Commerce for Intellectual Property and Director  
14 of the USPTO, \$3,695,295,000, to remain available until  
15 expended: *Provided*, That the sum herein appropriated  
16 from the general fund shall be reduced as offsetting collec-  
17 tions of fees and surcharges assessed and collected by the  
18 USPTO under any law are received during fiscal year  
19 2021, so as to result in a fiscal year 2021 appropriation  
20 from the general fund estimated at \$0: *Provided further*,  
21 That during fiscal year 2021, should the total amount of  
22 such offsetting collections be less than \$3,695,295,000,  
23 this amount shall be reduced accordingly: *Provided fur-*  
24 *ther*, That any amount received in excess of  
25 \$3,695,295,000 in fiscal year 2021 and deposited in the

1 Patent and Trademark Fee Reserve Fund shall remain  
2 available until expended: *Provided further*, That the Direc-  
3 tor of USPTO shall submit a spending plan to the Com-  
4 mittees on Appropriations of the House of Representatives  
5 and the Senate for any amounts made available by the  
6 preceding proviso and such spending plan shall be treated  
7 as a reprogramming under section 505 of this Act and  
8 shall not be available for obligation or expenditure except  
9 in compliance with the procedures set forth in that section:  
10 *Provided further*, That any amounts reprogrammed in ac-  
11 cordance with the preceding proviso shall be transferred  
12 to the United States Patent and Trademark Office “Sala-  
13 ries and Expenses” account: *Provided further*, That from  
14 amounts provided herein, not to exceed \$900 shall be  
15 made available in fiscal year 2021 for official reception  
16 and representation expenses: *Provided further*, That in fis-  
17 cal year 2021 from the amounts made available for “Sala-  
18 ries and Expenses” for the USPTO, the amounts nec-  
19 essary to pay (1) the difference between the percentage  
20 of basic pay contributed by the USPTO and employees  
21 under section 8334(a) of title 5, United States Code, and  
22 the normal cost percentage (as defined by section  
23 8331(17) of that title) as provided by the Office of Per-  
24 sonnel Management (OPM) for USPTO’s specific use, of  
25 basic pay, of employees subject to subchapter III of chap-

1 ter 83 of that title, and (2) the present value of the other-  
2 wise unfunded accruing costs, as determined by OPM for  
3 USPTO’s specific use of post-retirement life insurance  
4 and post-retirement health benefits coverage for all  
5 USPTO employees who are enrolled in Federal Employees  
6 Health Benefits (FEHB) and Federal Employees Group  
7 Life Insurance (FEGLI), shall be transferred to the Civil  
8 Service Retirement and Disability Fund, the FEGLI  
9 Fund, and the Employees FEHB Fund, as appropriate,  
10 and shall be available for the authorized purposes of those  
11 accounts: *Provided further*, That any differences between  
12 the present value factors published in OPM’s yearly 300  
13 series benefit letters and the factors that OPM provides  
14 for USPTO’s specific use shall be recognized as an im-  
15 puted cost on USPTO’s financial statements, where appli-  
16 cable: *Provided further*, That, notwithstanding any other  
17 provision of law, all fees and surcharges assessed and col-  
18 lected by USPTO are available for USPTO only pursuant  
19 to section 42(c) of title 35, United States Code, as amend-  
20 ed by section 22 of the Leahy-Smith America Invents Act  
21 (Public Law 112–29): *Provided further*, That within the  
22 amounts appropriated, \$2,000,000 shall be transferred to  
23 the “Office of Inspector General” account for activities as-  
24 sociated with carrying out investigations and audits re-  
25 lated to the USPTO.

1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES  
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the National Institute of  
5 Standards and Technology (NIST), \$789,000,000, to re-  
6 main available until expended, of which not to exceed  
7 \$9,000,000 may be transferred to the “Working Capital  
8 Fund”: *Provided*, That not to exceed \$5,000 shall be for  
9 official reception and representation expenses: *Provided*  
10 *further*, That NIST may provide local transportation for  
11 summer undergraduate research fellowship program par-  
12 ticipants.

13 INDUSTRIAL TECHNOLOGY SERVICES

14 For necessary expenses for industrial technology  
15 services, \$170,000,000, to remain available until ex-  
16 pended, of which \$153,000,000 shall be for the Hollings  
17 Manufacturing Extension Partnership, and of which  
18 \$17,000,000 shall be for the National Network for Manu-  
19 facturing Innovation (also known as “Manufacturing  
20 USA”).

21 CONSTRUCTION OF RESEARCH FACILITIES

22 For construction of new research facilities, including  
23 architectural and engineering design, and for renovation  
24 and maintenance of existing facilities, not otherwise pro-  
25 vided for the National Institute of Standards and Tech-

1 nology, as authorized by sections 13 through 15 of the  
 2 National Institute of Standards and Technology Act (15  
 3 U.S.C. 278c–278e), \$85,000,000, to remain available until  
 4 expended: *Provided*, That the Secretary of Commerce shall  
 5 include in the budget justification materials that the Sec-  
 6 retary submits to Congress in support of the Department  
 7 of Commerce budget (as submitted with the budget of the  
 8 President under section 1105(a) of title 31, United States  
 9 Code) an estimate for each National Institute of Stand-  
 10 ards and Technology construction project having a total  
 11 multi-year program cost of more than \$5,000,000, and si-  
 12 multaneously the budget justification materials shall in-  
 13 clude an estimate of the budgetary requirements for each  
 14 such project for each of the 5 subsequent fiscal years.

15 NATIONAL OCEANIC AND ATMOSPHERIC

16 ADMINISTRATION

17 OPERATIONS, RESEARCH, AND FACILITIES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of activities authorized by law  
 20 for the National Oceanic and Atmospheric Administration,  
 21 including maintenance, operation, and hire of aircraft and  
 22 vessels; pilot programs for state-led fisheries management,  
 23 notwithstanding any other provision of law; grants, con-  
 24 tracts, or other payments to nonprofit organizations for  
 25 the purposes of conducting activities pursuant to coopera-

1 tive agreements; and relocation of facilities,  
2 \$3,871,659,000, to remain available until September 30,  
3 2022: *Provided*, That fees and donations received by the  
4 National Ocean Service for the management of national  
5 marine sanctuaries may be retained and used for the sala-  
6 ries and expenses associated with those activities, notwith-  
7 standing section 3302 of title 31, United States Code: *Pro-*  
8 *vided further*, That in addition, \$253,171,000 shall be de-  
9 rived by transfer from the fund entitled “Promote and De-  
10 velop Fishery Products and Research Pertaining to Amer-  
11 ican Fisheries”, which shall only be used for the Fishery  
12 Science and Management program activities: *Provided fur-*  
13 *ther*, That not to exceed \$66,389,000 shall be for payment  
14 to the Department of Commerce Working Capital Fund:  
15 *Provided further*, That of the \$4,142,330,000 provided for  
16 in direct obligations under this heading, \$3,871,659,000  
17 is appropriated from the general fund, \$253,171,000 is  
18 provided by transfer, and \$17,500,000 is derived from re-  
19 coveries of prior year obligations: *Provided further*, That  
20 any deviation from the amounts designated for specific ac-  
21 tivities in the report accompanying this Act or any use  
22 of deobligated balances of funds provided under this head-  
23 ing in previous years, shall be subject to the procedures  
24 set forth in section 505 of this Act: *Provided further*, That,  
25 in addition, for necessary retired pay expenses under the



1 Retired Serviceman's Family Protection and Survivor  
2 Benefits Plan, and for payments for the medical care of  
3 retired personnel and their dependents under the Depend-  
4 ents' Medical Care Act (10 U.S.C. ch. 55), such sums as  
5 may be necessary.

6       PROCUREMENT, ACQUISITION AND CONSTRUCTION

7                   (INCLUDING TRANSFER OF FUNDS)

8       For procurement, acquisition and construction of  
9 capital assets, including alteration and modification costs,  
10 of the National Oceanic and Atmospheric Administration,  
11 \$1,524,360,000, to remain available until September 30,  
12 2023, except that funds provided for acquisition and con-  
13 struction of vessels and construction of facilities shall re-  
14 main available until expended: *Provided*, That of the  
15 \$1,537,360,000 provided for in direct obligations under  
16 this heading, \$1,524,360,000 is appropriated from the  
17 general fund and \$13,000,000 is provided from recoveries  
18 of prior year obligations: *Provided further*, That any devi-  
19 ation from the amounts designated for specific activities  
20 in the report accompanying this Act or any use of  
21 deobligated balances of funds provided under this heading  
22 in previous years, shall be subject to the procedures set  
23 forth in section 505 of this Act: *Provided further*, That  
24 the Secretary of Commerce shall include in budget jus-  
25 tification materials that the Secretary submits to Congress

1 in support of the Department of Commerce budget (as  
2 submitted with the budget of the President under section  
3 1105(a) of title 31, United States Code) an estimate for  
4 each National Oceanic and Atmospheric Administration  
5 procurement, acquisition or construction project having a  
6 total of more than \$5,000,000 and simultaneously the  
7 budget justification shall include an estimate of the budg-  
8 etary requirements for each such project for each of the  
9 5 subsequent fiscal years: *Provided further*, That, within  
10 the amounts appropriated, \$1,302,000 shall be transferred  
11 to the “Office of Inspector General” account for activities  
12 associated with carrying out investigations and audits re-  
13 lated to satellite procurement, acquisition and construc-  
14 tion.

15                   PACIFIC COASTAL SALMON RECOVERY

16       For necessary expenses associated with the restora-  
17 tion of Pacific salmon populations, \$65,000,000, to re-  
18 main available until September 30, 2022: *Provided*, That,  
19 of the funds provided herein, the Secretary of Commerce  
20 may issue grants to the States of Washington, Oregon,  
21 Idaho, Nevada, California, and Alaska, and to the Feder-  
22 ally recognized tribes of the Columbia River and Pacific  
23 Coast (including Alaska), for projects necessary for con-  
24 servation of salmon and steelhead populations that are  
25 listed as threatened or endangered, or that are identified

1 by a State as at-risk to be so listed, for maintaining popu-  
 2 lations necessary for exercise of tribal treaty fishing rights  
 3 or native subsistence fishing, or for conservation of Pacific  
 4 coastal salmon and steelhead habitat, based on guidelines  
 5 to be developed by the Secretary of Commerce: *Provided*  
 6 *further*, That all funds shall be allocated based on sci-  
 7 entific and other merit principles and shall not be available  
 8 for marketing activities: *Provided further*, That funds dis-  
 9 bursed to States shall be subject to a matching require-  
 10 ment of funds or documented in-kind contributions of at  
 11 least 33 percent of the Federal funds.

12 FISHERMEN’S CONTINGENCY FUND

13 For carrying out the provisions of title IV of Public  
 14 Law 95–372, not to exceed \$349,000, to be derived from  
 15 receipts collected pursuant to that Act, to remain available  
 16 until expended.

17 FISHERY DISASTER ASSISTANCE

18 For salaries and expenses associated with the admin-  
 19 istration of fishery disaster assistance, \$300,000, to re-  
 20 main available until September 30, 2022: *Provided*, That  
 21 funds shall be used for administering the fishery disaster  
 22 programs authorized by the Magnuson-Stevens Fishery  
 23 Conservation and Management Act and the Interjurisdic-  
 24 tional Fisheries Act of 1986.

## 1 FISHERIES FINANCE PROGRAM ACCOUNT

2 Subject to section 502 of the Congressional Budget  
3 Act of 1974, during fiscal year 2021, obligations of direct  
4 loans may not exceed \$24,000,000 for Individual Fishing  
5 Quota loans and not to exceed \$100,000,000 for tradi-  
6 tional direct loans as authorized by the Merchant Marine  
7 Act of 1936.

## 8 DEPARTMENTAL MANAGEMENT

## 9 SALARIES AND EXPENSES

10 For necessary expenses for the management of the  
11 Department of Commerce provided for by law, including  
12 not to exceed \$4,500 for official reception and representa-  
13 tion, \$73,080,000: *Provided*, That no employee of the De-  
14 partment of Commerce may be detailed or assigned from  
15 a bureau or office funded by this Act or any other Act  
16 to offices within the Office of the Secretary of the Depart-  
17 ment of Commerce for more than 30 days in a fiscal year  
18 unless the individual's employing bureau or office is fully  
19 reimbursed for the salary and expenses of the employee  
20 for the entire period of assignment using funds provided  
21 under this heading.

## 22 RENOVATION AND MODERNIZATION

23 For necessary expenses for the renovation and mod-  
24 ernization of the Herbert C. Hoover Building, \$1,123,000.

## 1                   NONRECURRING EXPENSES FUND

2           For necessary expenses for a business application  
3 system modernization, \$20,000,000, to remain available  
4 until September 30, 2023.

## 5                   OFFICE OF INSPECTOR GENERAL

6           For necessary expenses of the Office of Inspector  
7 General in carrying out the provisions of the Inspector  
8 General Act of 1978 (5 U.S.C. App.), \$35,520,000: *Pro-*  
9 *vided*, That notwithstanding section 6413 of the Middle  
10 Class Tax Relief and Job Creation Act of 2012 (Public  
11 Law 112–96), an additional \$2,000,000, to remain avail-  
12 able until expended, shall be derived from the Public Safe-  
13 ty Trust Fund for activities associated with carrying out  
14 investigations and audits related to the First Responder  
15 Network Authority (FirstNet).

16   GENERAL PROVISIONS—DEPARTMENT OF COMMERCE  
17                   (INCLUDING TRANSFER OF FUNDS)

18       SEC. 101. During the current fiscal year, applicable  
19 appropriations and funds made available to the Depart-  
20 ment of Commerce by this Act shall be available for the  
21 activities specified in the Act of October 26, 1949 (15  
22 U.S.C. 1514), to the extent and in the manner prescribed  
23 by the Act, and, notwithstanding 31 U.S.C. 3324, may  
24 be used for advanced payments not otherwise authorized  
25 only upon the certification of officials designated by the

1 Secretary of Commerce that such payments are in the  
2 public interest.

3       SEC. 102. During the current fiscal year, appropria-  
4 tions made available to the Department of Commerce by  
5 this Act for salaries and expenses shall be available for  
6 hire of passenger motor vehicles as authorized by 31  
7 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.  
8 3109; and uniforms or allowances therefor, as authorized  
9 by law (5 U.S.C. 5901–5902).

10       SEC. 103. Not to exceed 5 percent of any appropria-  
11 tion made available for the current fiscal year for the De-  
12 partment of Commerce in this Act may be transferred be-  
13 tween such appropriations, but no such appropriation shall  
14 be increased by more than 10 percent by any such trans-  
15 fers: *Provided*, That any transfer pursuant to this section  
16 shall be treated as a reprogramming of funds under sec-  
17 tion 505 of this Act and shall not be available for obliga-  
18 tion or expenditure except in compliance with the proce-  
19 dures set forth in that section: *Provided further*, That the  
20 Secretary of Commerce shall notify the Committees on Ap-  
21 propriations at least 15 days in advance of the acquisition  
22 or disposal of any capital asset (including land, structures,  
23 and equipment) not specifically provided for in this Act  
24 or any other law appropriating funds for the Department  
25 of Commerce.

1        SEC. 104. The requirements set forth by section 105  
2 of the Commerce, Justice, Science, and Related Agencies  
3 Appropriations Act, 2012 (Public Law 112–55), as  
4 amended by section 105 of title I of division B of Public  
5 Law 113–6, are hereby adopted by reference and made  
6 applicable with respect to fiscal year 2021: *Provided*, That  
7 the life cycle cost for the Joint Polar Satellite System is  
8 \$11,322,125,000 and the life cycle cost for the Geo-  
9 stationary Operational Environmental Satellite R-Series  
10 Program is \$10,828,059,000.

11        SEC. 105. Notwithstanding any other provision of  
12 law, the Secretary may furnish services (including but not  
13 limited to utilities, telecommunications, and security serv-  
14 ices) necessary to support the operation, maintenance, and  
15 improvement of space that persons, firms, or organizations  
16 are authorized, pursuant to the Public Buildings Coopera-  
17 tive Use Act of 1976 or other authority, to use or occupy  
18 in the Herbert C. Hoover Building, Washington, DC, or  
19 other buildings, the maintenance, operation, and protec-  
20 tion of which has been delegated to the Secretary from  
21 the Administrator of General Services pursuant to the  
22 Federal Property and Administrative Services Act of 1949  
23 on a reimbursable or non-reimbursable basis. Amounts re-  
24 ceived as reimbursement for services provided under this  
25 section or the authority under which the use or occupancy

1 of the space is authorized, up to \$200,000, shall be cred-  
2 ited to the appropriation or fund which initially bears the  
3 costs of such services.

4 SEC. 106. Nothing in this title shall be construed to  
5 prevent a grant recipient from deterring child pornog-  
6 raphy, copyright infringement, or any other unlawful ac-  
7 tivity over its networks.

8 SEC. 107. The Administrator of the National Oceanic  
9 and Atmospheric Administration is authorized to use, with  
10 their consent, with reimbursement and subject to the lim-  
11 its of available appropriations, the land, services, equip-  
12 ment, personnel, and facilities of any department, agency,  
13 or instrumentality of the United States, or of any State,  
14 local government, Indian tribal government, Territory, or  
15 possession, or of any political subdivision thereof, or of  
16 any foreign government or international organization, for  
17 purposes related to carrying out the responsibilities of any  
18 statute administered by the National Oceanic and Atmos-  
19 pheric Administration.

20 SEC. 108. The National Technical Information Serv-  
21 ice shall not charge any customer for a copy of any report  
22 or document generated by the Legislative Branch unless  
23 the Service has provided information to the customer on  
24 how an electronic copy of such report or document may  
25 be accessed and downloaded for free online. Should a cus-



1 tomer still require the Service to provide a printed or dig-  
2 ital copy of the report or document, the charge shall be  
3 limited to recovering the Service’s cost of processing, re-  
4 producing, and delivering such report or document.

5       SEC. 109. To carry out the responsibilities of the Na-  
6 tional Oceanic and Atmospheric Administration (NOAA),  
7 the Administrator of NOAA is authorized to: (1) enter  
8 into grants and cooperative agreements with; (2) use on  
9 a non-reimbursable basis land, services, equipment, per-  
10 sonnel, and facilities provided by; and (3) receive and ex-  
11 pend funds made available on a consensual basis from: a  
12 Federal agency, State or subdivision thereof, local govern-  
13 ment, tribal government, territory, or possession or any  
14 subdivisions thereof: *Provided*, That funds received for  
15 permitting and related regulatory activities pursuant to  
16 this section shall be deposited under the heading “Na-  
17 tional Oceanic and Atmospheric Administration—Oper-  
18 ations, Research, and Facilities” and shall remain avail-  
19 able until September 30, 2023, for such purposes: *Pro-*  
20 *vided further*, That all funds within this section and their  
21 corresponding uses are subject to section 505 of this Act.

22       SEC. 110. Amounts provided by this Act or by any  
23 prior appropriations Act that remain available for obliga-  
24 tion, for necessary expenses of the programs of the Eco-  
25 nomics and Statistics Administration of the Department



## 1 JUSTICE INFORMATION SHARING TECHNOLOGY

## 2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for information sharing tech-  
4 nology, including planning, development, deployment and  
5 departmental direction, \$33,875,000, to remain available  
6 until expended: *Provided*, That the Attorney General may  
7 transfer up to \$40,000,000 to this account, from funds  
8 available to the Department of Justice for information  
9 technology, to remain available until expended, for enter-  
10 prise-wide information technology initiatives: *Provided fur-*  
11 *ther*, That the transfer authority in the preceding proviso  
12 is in addition to any other transfer authority contained  
13 in this Act: *Provided further*, That any transfer pursuant  
14 to the first proviso shall be treated as a reprogramming  
15 under section 505 of this Act and shall not be available  
16 for obligation or expenditure except in compliance with the  
17 procedures set forth in that section.

## 18 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

## 19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the administration of im-  
21 migration related activities of the Executive Office for Im-  
22 migration Review, \$734,000,000, of which \$4,000,000  
23 shall be derived by transfer from the Executive Office for  
24 Immigration Review fees deposited in the “Immigration  
25 Examinations Fee” account, and of which not less than

1 \$25,000,000 shall be available for services and activities  
 2 provided by the Legal Orientation Program: Provided,  
 3 That not to exceed \$35,000,000 of the total amount made  
 4 available under this heading shall remain available until  
 5 September 30, 2022.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector  
 8 General, \$113,985,000, including not to exceed \$10,000  
 9 to meet unforeseen emergencies of a confidential char-  
 10 acter: Provided, That not to exceed \$2,000,000 shall re-  
 11 main available until September 30, 2022.

12 UNITED STATES PAROLE COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses of the United States Parole  
 15 Commission as authorized, \$13,539,000: *Provided*, That,  
 16 notwithstanding any other provision of law, upon the expi-  
 17 ration of a term of office of a Commissioner, the Commis-  
 18 sioner may continue to act until a successor has been ap-  
 19 pointed.

20 LEGAL ACTIVITIES

21 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses necessary for the legal activities of the  
 24 Department of Justice, not otherwise provided for, includ-  
 25 ing not to exceed \$20,000 for expenses of collecting evi-

1 dence, to be expended under the direction of, and to be  
2 accounted for solely under the certificate of, the Attorney  
3 General; the administration of pardon and clemency peti-  
4 tions; and rent of private or Government-owned space in  
5 the District of Columbia, \$969,211,000, of which not to  
6 exceed \$20,000,000 for litigation support contracts shall  
7 remain available until expended: *Provided*, That of the  
8 amount provided for INTERPOL Washington dues pay-  
9 ments, not to exceed \$685,000 shall remain available until  
10 expended: *Provided further*, That of the total amount ap-  
11 propriated, not to exceed \$9,000 shall be available to  
12 INTERPOL Washington for official reception and rep-  
13 resentation expenses: *Provided further*, That of the total  
14 amount appropriated, not to exceed \$9,000 shall be avail-  
15 able to the Criminal Division for official reception and rep-  
16 resentation expenses: *Provided further*, That \$10,000,000  
17 shall be for the Civil Rights Division for additional ex-  
18 penses relating to the enforcement of section 210401 of  
19 the Violent Crime Control and Law Enforcement Act of  
20 1994 (34 U.S.C. 12601), criminal enforcement under sec-  
21 tions 241 and 242 of title 18, United States Code, and  
22 administrative enforcement by the Department of Justice,  
23 including compliance with consent decrees or judgments  
24 entered into under such section 210401: *Provided further*,  
25 That upon a determination by the Attorney General that

1 emergent circumstances require additional funding for liti-  
2 gation activities of the Civil Division, the Attorney General  
3 may transfer such amounts to “Salaries and Expenses,  
4 General Legal Activities” from available appropriations  
5 for the current fiscal year for the Department of Justice,  
6 as may be necessary to respond to such circumstances:  
7 *Provided further*, That any transfer pursuant to the pre-  
8 ceding proviso shall be treated as a reprogramming under  
9 section 505 of this Act and shall not be available for obli-  
10 gation or expenditure except in compliance with the proce-  
11 dures set forth in that section: *Provided further*, That of  
12 the amount appropriated, such sums as may be necessary  
13 shall be available to the Civil Rights Division for salaries  
14 and expenses associated with the election monitoring pro-  
15 gram under section 8 of the Voting Rights Act of 1965  
16 (52 U.S.C. 10305) and to reimburse the Office of Per-  
17 sonnel Management for such salaries and expenses: *Pro-*  
18 *vided further*, That of the amounts provided under this  
19 heading for the election monitoring program, \$3,390,000  
20 shall remain available until expended: *Provided further*,  
21 That of the amount appropriated, not less than  
22 \$198,744,000 shall be available for the Criminal Division,  
23 including related expenses for the Mutual Legal Assist-  
24 ance Treaty Program.

1        In addition, for reimbursement of expenses of the De-  
2        partment of Justice associated with processing cases  
3        under the National Childhood Vaccine Injury Act of 1986,  
4        not to exceed \$19,000,000, to be appropriated from the  
5        Vaccine Injury Compensation Trust Fund and to remain  
6        available until expended.

7                    SALARIES AND EXPENSES, ANTITRUST DIVISION

8        For expenses necessary for the enforcement of anti-  
9        trust and kindred laws, \$180,274,000, to remain available  
10       until expended, of which not to exceed \$2,000 shall be  
11       made available for official reception and representation ex-  
12       penses: *Provided*, That notwithstanding any other provi-  
13       sion of law, fees collected for premerger notification filings  
14       under the Hart-Scott-Rodino Antitrust Improvements Act  
15       of 1976 (15 U.S.C. 18a), regardless of the year of collec-  
16       tion (and estimated to be \$150,000,000 in fiscal year  
17       2021), shall be retained and used for necessary expenses  
18       in this appropriation, and shall remain available until ex-  
19       pended: *Provided further*, That the sum herein appro-  
20       priated from the general fund shall be reduced as such  
21       offsetting collections are received during fiscal year 2021,  
22       so as to result in a final fiscal year 2021 appropriation  
23       from the general fund estimated at \$30,274,000.

## 1 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2 For necessary expenses of the Offices of the United  
3 States Attorneys, including inter-governmental and coop-  
4 erative agreements, \$2,347,177,000: *Provided*, That of the  
5 total amount appropriated, not to exceed \$7,200 shall be  
6 available for official reception and representation ex-  
7 penses: *Provided further*, That \$10,000,000 shall be for  
8 additional expenses relating to the enforcement of section  
9 210401 of the Violent Crime Control and Law Enforce-  
10 ment Act of 1994 (34 U.S.C. 12601), criminal enforce-  
11 ment under sections 241 and 242 of title 18, United  
12 States Code, and administrative enforcement by the De-  
13 partment of Justice, including compliance with consent de-  
14 crees or judgments entered into under such section  
15 210401: *Provided further*, That not to exceed \$25,000,000  
16 shall remain available until expended: *Provided further*,  
17 That each United States Attorney shall establish or par-  
18 ticipate in a task force on human trafficking.

## 19 UNITED STATES TRUSTEE SYSTEM FUND

20 For necessary expenses of the United States Trustee  
21 Program, as authorized, \$232,361,000, to remain avail-  
22 able until expended: *Provided*, That, notwithstanding any  
23 other provision of law, deposits to the United States  
24 Trustee System Fund and amounts herein appropriated  
25 shall be available in such amounts as may be necessary



1 to pay refunds due depositors: *Provided further*, That, not-  
2 withstanding any other provision of law, fees deposited  
3 into the Fund pursuant to section 589a(b) of title 28,  
4 United States Code (as limited by section 1004(b) of the  
5 Bankruptcy Judgeship Act of 2017 (division B of Public  
6 Law 115-72)), shall be retained and used for necessary  
7 expenses in this appropriation and shall remain available  
8 until expended: *Provided further*, That to the extent that  
9 fees deposited into the Fund in fiscal year 2021, net of  
10 amounts necessary to pay refunds due depositors, exceed  
11 \$232,361,000, those excess amounts shall be available in  
12 future fiscal years only to the extent provided in advance  
13 in appropriations Acts: *Provided further*, That the sum  
14 herein appropriated from the general fund shall be re-  
15 duced (1) as such fees are received during fiscal year  
16 2021, net of amounts necessary to pay refunds due deposi-  
17 tors, (estimated at \$318,000,000) and (2) to the extent  
18 that any remaining general fund appropriations can be de-  
19 rived from amounts deposited in the Fund in previous fis-  
20 cal years that are not otherwise appropriated, so as to re-  
21 sult in a final fiscal year 2021 appropriation from the gen-  
22 eral fund estimated at \$0.

## 1 SALARIES AND EXPENSES, FOREIGN CLAIMS

## 2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of  
 4 the Foreign Claims Settlement Commission, including  
 5 services as authorized by section 3109 of title 5, United  
 6 States Code, \$2,366,000.

## 7 FEES AND EXPENSES OF WITNESSES

8 For fees and expenses of witnesses, for expenses of  
 9 contracts for the procurement and supervision of expert  
 10 witnesses, for private counsel expenses, including ad-  
 11 vances, and for expenses of foreign counsel, \$270,000,000,  
 12 to remain available until expended, of which not to exceed  
 13 \$16,000,000 is for construction of buildings for protected  
 14 witness safesites; not to exceed \$3,000,000 is for the pur-  
 15 chase and maintenance of armored and other vehicles for  
 16 witness security caravans; and not to exceed \$25,000,000  
 17 is for the purchase, installation, maintenance, and up-  
 18 grade of secure telecommunications equipment and a se-  
 19 cure automated information network to store and retrieve  
 20 the identities and locations of protected witnesses.

## 21 SALARIES AND EXPENSES, COMMUNITY RELATIONS

## 22 SERVICE

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of the Community Relations  
 25 Service, \$20,300,000: *Provided*, That upon a determina-

1 tion by the Attorney General that emergent circumstances  
 2 require additional funding for conflict resolution and vio-  
 3 lence prevention activities of the Community Relations  
 4 Service, the Attorney General may transfer such amounts  
 5 to the Community Relations Service, from available appro-  
 6 priations for the current fiscal year for the Department  
 7 of Justice, as may be necessary to respond to such cir-  
 8 cumstances: *Provided further*, That any transfer pursuant  
 9 to the preceding proviso shall be treated as a reprogram-  
 10 ming under section 505 of this Act and shall not be avail-  
 11 able for obligation or expenditure except in compliance  
 12 with the procedures set forth in that section.

13 ASSETS FORFEITURE FUND

14 For expenses authorized by subparagraphs (B), (F),  
 15 and (G) of section 524(c)(1) of title 28, United States  
 16 Code, \$20,514,000, to be derived from the Department  
 17 of Justice Assets Forfeiture Fund.

18 UNITED STATES MARSHALS SERVICE

19 SALARIES AND EXPENSES

20 For necessary expenses of the United States Mar-  
 21 shals Service, \$1,484,184,000, of which not to exceed  
 22 \$6,000 shall be available for official reception and rep-  
 23 resentation expenses, and not to exceed \$25,000,000 shall  
 24 remain available until expended.

## 1 CONSTRUCTION

2 For construction in space controlled, occupied or uti-  
3 lized by the United States Marshals Service for prisoner  
4 holding and related support, \$15,000,000, to remain avail-  
5 able until expended.

## 6 FEDERAL PRISONER DETENTION

7 For necessary expenses related to United States pris-  
8 oners in the custody of the United States Marshals Service  
9 as authorized by section 4013 of title 18, United States  
10 Code, \$1,867,461,000, to remain available until expended:  
11 *Provided*, That not to exceed \$20,000,000 shall be consid-  
12 ered “funds appropriated for State and local law enforce-  
13 ment assistance” pursuant to section 4013(b) of title 18,  
14 United States Code: *Provided further*, That the United  
15 States Marshals Service shall be responsible for managing  
16 the Justice Prisoner and Alien Transportation System.

## 17 NATIONAL SECURITY DIVISION

## 18 SALARIES AND EXPENSES

## 19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to carry out the activities of  
21 the National Security Division, \$114,837,000, of which  
22 not to exceed \$5,000,000 for information technology sys-  
23 tems shall remain available until expended: *Provided*, That  
24 upon a determination by the Attorney General that emer-  
25 gent circumstances require additional funding for the ac-

1 tivities of the National Security Division, the Attorney  
 2 General may transfer such amounts to this heading from  
 3 available appropriations for the current fiscal year for the  
 4 Department of Justice, as may be necessary to respond  
 5 to such circumstances: *Provided further*, That any transfer  
 6 pursuant to the preceding proviso shall be treated as a  
 7 reprogramming under section 505 of this Act and shall  
 8 not be available for obligation or expenditure except in  
 9 compliance with the procedures set forth in that section.

10 INTERAGENCY LAW ENFORCEMENT

11 INTERAGENCY CRIME AND DRUG ENFORCEMENT

12 For necessary expenses for the identification, inves-  
 13 tigation, and prosecution of individuals associated with the  
 14 most significant drug trafficking organizations,  
 15 transnational organized crime, and money laundering or-  
 16 ganizations not otherwise provided for, to include inter-  
 17 governmental agreements with State and local law en-  
 18 forcement agencies engaged in the investigation and pros-  
 19 ecution of individuals involved in transnational organized  
 20 crime and drug trafficking, \$565,000,000, of which  
 21 \$50,000,000 shall remain available until expended: *Pro-*  
 22 *vided*, That any amounts obligated from appropriations  
 23 under this heading may be used under authorities avail-  
 24 able to the organizations reimbursed from this appropria-  
 25 tion.

1                   FEDERAL BUREAU OF INVESTIGATION  
2                   SALARIES AND EXPENSES

3           For necessary expenses of the Federal Bureau of In-  
4 vestigation for detection, investigation, and prosecution of  
5 crimes against the United States, \$9,703,348,000, of  
6 which not to exceed \$216,900,000 shall remain available  
7 until expended: *Provided*, That \$5,000,000 shall be for the  
8 Corruption/Civil Rights Section for additional expenses re-  
9 lating to the enforcement of section 210401 of the Violent  
10 Crime Control and Law Enforcement Act of 1994 (34  
11 U.S.C. 12601), criminal enforcement under sections 241  
12 and 242 of title 18, United States Code, and administra-  
13 tive enforcement by the Department of Justice, including  
14 compliance with consent decrees or judgments entered into  
15 under such section 210401: *Provided further*, That not to  
16 exceed \$284,000 shall be available for official reception  
17 and representation expenses.

18                   CONSTRUCTION

19           For necessary expenses, to include the cost of equip-  
20 ment, furniture, and information technology requirements,  
21 related to construction or acquisition of buildings, facili-  
22 ties, and sites by purchase, or as otherwise authorized by  
23 law; conversion, modification, and extension of federally  
24 owned buildings; preliminary planning and design of  
25 projects; and operation and maintenance of secure work

1 environment facilities and secure networking capabilities;  
 2 \$51,895,000, to remain available until expended.

3 DRUG ENFORCEMENT ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Drug Enforcement Ad-  
 6 ministration, including not to exceed \$70,000 to meet un-  
 7 foreseen emergencies of a confidential character pursuant  
 8 to section 530C of title 28, United States Code; and ex-  
 9 penses for conducting drug education and training pro-  
 10 grams, including travel and related expenses for partici-  
 11 pants in such programs and the distribution of items of  
 12 token value that promote the goals of such programs,  
 13 \$2,331,370,000, of which not to exceed \$75,000,000 shall  
 14 remain available until expended and not to exceed \$90,000  
 15 shall be available for official reception and representation  
 16 expenses: *Provided*, That, notwithstanding section 3672 of  
 17 Public Law 106-310, up to \$10,000,000 may be used to  
 18 reimburse States, units of local government, Indian tribal  
 19 governments, other public entities, and multijurisdictional  
 20 or regional consortia thereof for expenses incurred to clean  
 21 up and safely dispose of substances associated with clan-  
 22 destine methamphetamine laboratories, conversion and ex-  
 23 traction operations, tableting operations, or laboratories  
 24 and processing operations for fentanyl and fentanyl-re-

1 lated substances which may present a danger to public  
 2 health or the environment.

3 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
 4 EXPLOSIVES  
 5 SALARIES AND EXPENSES

6 For necessary expenses of the Bureau of Alcohol, To-  
 7 bacco, Firearms and Explosives, for training of State and  
 8 local law enforcement agencies with or without reimburse-  
 9 ment, including training in connection with the training  
 10 and acquisition of canines for explosives and fire  
 11 accelerants detection; and for provision of laboratory as-  
 12 sistance to State and local law enforcement agencies, with  
 13 or without reimbursement, \$1,550,000,000, of which not  
 14 to exceed \$36,000 shall be for official reception and rep-  
 15 resentation expenses, not to exceed \$1,000,000 shall be  
 16 available for the payment of attorneys' fees as provided  
 17 by section 924(d)(2) of title 18, United States Code, and  
 18 not to exceed \$25,000,000 shall remain available until ex-  
 19 pended: *Provided*, That none of the funds appropriated  
 20 herein shall be available to investigate or act upon applica-  
 21 tions for relief from Federal firearms disabilities under  
 22 section 925(c) of title 18, United States Code: *Provided*  
 23 *further*, That such funds shall be available to investigate  
 24 and act upon applications filed by corporations for relief  
 25 from Federal firearms disabilities under section 925(c) of



1 title 18, United States Code: *Provided further*, That no  
 2 funds made available by this or any other Act may be used  
 3 to transfer the functions, missions, or activities of the Bu-  
 4 reau of Alcohol, Tobacco, Firearms and Explosives to  
 5 other agencies or Departments.

6 CONSTRUCTION

7 For necessary expenses related to construction of lab-  
 8 oratory facilities, to include the cost of equipment, fur-  
 9 niture, and information technology requirements; con-  
 10 struction or acquisition of buildings, facilities, and sites  
 11 by purchase, or as otherwise authorized by law; conver-  
 12 sion, modification and extension of Federally-owned build-  
 13 ings; and preliminary planning and design of projects;  
 14 \$5,000,000, to remain available until September 30, 2025.

15 FEDERAL PRISON SYSTEM

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Federal Prison System  
 19 for the administration, operation, and maintenance of  
 20 Federal penal and correctional institutions, and for the  
 21 provision of technical assistance and advice on corrections  
 22 related issues to foreign governments, \$7,770,000,000 of  
 23 which not less than \$165,000,000 shall be for the pro-  
 24 grams and activities authorized by the First Step Act of  
 25 2018 (Public Law 115–391): *Provided*, That the Attorney

1 General may transfer to the Department of Health and  
2 Human Services such amounts as may be necessary for  
3 direct expenditures by that Department for medical relief  
4 for inmates of Federal penal and correctional institutions:  
5 *Provided further*, That the Director of the Federal Prison  
6 System, where necessary, may enter into contracts with  
7 a fiscal agent or fiscal intermediary claims processor to  
8 determine the amounts payable to persons who, on behalf  
9 of the Federal Prison System, furnish health services to  
10 individuals committed to the custody of the Federal Prison  
11 System: *Provided further*, That not to exceed \$5,400 shall  
12 be available for official reception and representation ex-  
13 penses: *Provided further*, That not to exceed \$50,000,000  
14 shall remain available until expended for necessary oper-  
15 ations: *Provided further*, That, of the amounts provided  
16 for contract confinement, not to exceed \$20,000,000 shall  
17 remain available until expended to make payments in ad-  
18 vance for grants, contracts and reimbursable agreements,  
19 and other expenses: *Provided further*, That the Director  
20 of the Federal Prison System may accept donated prop-  
21 erty and services relating to the operation of the prison  
22 card program from a not-for-profit entity which has oper-  
23 ated such program in the past, notwithstanding the fact  
24 that such not-for-profit entity furnishes services under  
25 contracts to the Federal Prison System relating to the op-

1 eration of pre-release services, halfway houses, or other  
2 custodial facilities.

3 BUILDINGS AND FACILITIES

4 For planning, acquisition of sites, and construction  
5 of new facilities; purchase and acquisition of facilities and  
6 remodeling, and equipping of such facilities for penal and  
7 correctional use, including all necessary expenses incident  
8 thereto, by contract or force account; and constructing,  
9 remodeling, and equipping necessary buildings and facili-  
10 ties at existing penal and correctional institutions, includ-  
11 ing all necessary expenses incident thereto, by contract or  
12 force account, \$110,000,000, to remain available until ex-  
13 pended: *Provided*, That labor of United States prisoners  
14 may be used for work performed under this appropriation.

15 FEDERAL PRISON INDUSTRIES, INCORPORATED

16 The Federal Prison Industries, Incorporated, is here-  
17 by authorized to make such expenditures within the limits  
18 of funds and borrowing authority available, and in accord  
19 with the law, and to make such contracts and commit-  
20 ments without regard to fiscal year limitations as provided  
21 by section 9104 of title 31, United States Code, as may  
22 be necessary in carrying out the program set forth in the  
23 budget for the current fiscal year for such corporation.

1     LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL  
2                     PRISON INDUSTRIES, INCORPORATED

3             Not to exceed \$2,700,000 of the funds of the Federal  
4 Prison Industries, Incorporated, shall be available for its  
5 administrative expenses, and for services as authorized by  
6 section 3109 of title 5, United States Code, to be com-  
7 puted on an accrual basis to be determined in accordance  
8 with the corporation's current prescribed accounting sys-  
9 tem, and such amounts shall be exclusive of depreciation,  
10 payment of claims, and expenditures which such account-  
11 ing system requires to be capitalized or charged to cost  
12 of commodities acquired or produced, including selling and  
13 shipping expenses, and expenses in connection with acqui-  
14 sition, construction, operation, maintenance, improvement,  
15 protection, or disposition of facilities and other property  
16 belonging to the corporation or in which it has an interest.

17     STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

18                     OFFICE ON VIOLENCE AGAINST WOMEN

19                     VIOLENCE AGAINST WOMEN PREVENTION AND  
20                             PROSECUTION PROGRAMS

21                             (INCLUDING TRANSFER OF FUNDS)

22             For grants, contracts, cooperative agreements, and  
23 other assistance for the prevention and prosecution of vio-  
24 lence against women, as authorized by the Omnibus Crime  
25 Control and Safe Streets Act of 1968 (34 U.S.C. 10101

1 et seq.) (“the 1968 Act”); the Violent Crime Control and  
2 Law Enforcement Act of 1994 (Public Law 103–322)  
3 (“the 1994 Act”); the Victims of Child Abuse Act of 1990  
4 (Public Law 101–647) (“the 1990 Act”); the Prosecu-  
5 torial Remedies and Other Tools to end the Exploitation  
6 of Children Today Act of 2003 (Public Law 108–21); the  
7 Juvenile Justice and Delinquency Prevention Act of 1974  
8 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims  
9 of Trafficking and Violence Protection Act of 2000 (Public  
10 Law 106–386) (“the 2000 Act”); the Violence Against  
11 Women and Department of Justice Reauthorization Act  
12 of 2005 (Public Law 109–162) (“the 2005 Act”); the Vio-  
13 lence Against Women Reauthorization Act of 2013 (Public  
14 Law 113–4) (“the 2013 Act”); the Rape Survivor Child  
15 Custody Act of 2015 (Public Law 114–22) (“the 2015  
16 Act”); and the Abolish Human Trafficking Act (Public  
17 Law 115–392); and for related victims services,  
18 \$525,000,000, to remain available until expended, of  
19 which \$435,000,000 shall be derived by transfer from  
20 amounts available for obligation in this Act from the Fund  
21 established by section 1402 of chapter XIV of title II of  
22 Public Law 98–473 (34 U.S.C. 20101), notwithstanding  
23 section 1402(d) of such Act of 1984, and merged with the  
24 amounts otherwise made available under this heading:  
25 *Provided*, That except as otherwise provided by law, not

1 to exceed 5 percent of funds made available under this  
2 heading may be used for expenses related to evaluation,  
3 training, and technical assistance: *Provided further*, That  
4 of the amount provided—

5 (1) \$223,000,000 is for grants to combat vio-  
6 lence against women, as authorized by part T of the  
7 1968 Act;

8 (2) \$39,000,000 is for transitional housing as-  
9 sistance grants for victims of domestic violence, dat-  
10 ing violence, stalking, or sexual assault as authorized  
11 by section 40299 of the 1994 Act;

12 (3) \$3,500,000 is for the National Institute of  
13 Justice and the Bureau of Justice Statistics for re-  
14 search, evaluation, and statistics of violence against  
15 women and related issues addressed by grant pro-  
16 grams of the Office on Violence Against Women,  
17 which shall be transferred to “Research, Evaluation  
18 and Statistics” for administration by the Office of  
19 Justice Programs;

20 (4) \$12,000,000 is for a grant program to pro-  
21 vide services to advocate for and respond to youth  
22 victims of domestic violence, dating violence, sexual  
23 assault, and stalking; assistance to children and  
24 youth exposed to such violence; programs to engage  
25 men and youth in preventing such violence; and as-

1       sistance to middle and high school students through  
2       education and other services related to such violence:  
3       *Provided*, That unobligated balances available for  
4       the programs authorized by sections 41201, 41204,  
5       41303, and 41305 of the 1994 Act, prior to its  
6       amendment by the 2013 Act, shall be available for  
7       this program: *Provided further*, That 10 percent of  
8       the total amount available for this grant program  
9       shall be available for grants under the program au-  
10      thorized by section 2015 of the 1968 Act: *Provided*  
11      *further*, That the definitions and grant conditions in  
12      section 40002 of the 1994 Act shall apply to this  
13      program;

14             (5) \$53,000,000 is for grants to encourage ar-  
15      rest policies as authorized by part U of the 1968  
16      Act, of which \$4,000,000 is for a homicide reduction  
17      initiative;

18             (6) \$42,500,000 is for sexual assault victims  
19      assistance, as authorized by section 41601 of the  
20      1994 Act;

21             (7) \$45,000,000 is for rural domestic violence  
22      and child abuse enforcement assistance grants, as  
23      authorized by section 40295 of the 1994 Act;

1           (8) \$21,000,000 is for grants to reduce violent  
2 crimes against women on campus, as authorized by  
3 section 304 of the 2005 Act;

4           (9) \$47,500,000 is for legal assistance for vic-  
5 tims, as authorized by section 1201 of the 2000 Act;

6           (10) \$6,000,000 is for enhanced training and  
7 services to end violence against and abuse of women  
8 in later life, as authorized by section 40801 of the  
9 1994 Act;

10           (11) \$17,500,000 is for grants to support fami-  
11 lies in the justice system, as authorized by section  
12 1301 of the 2000 Act: *Provided*, That unobligated  
13 balances available for the programs authorized by  
14 section 1301 of the 2000 Act and section 41002 of  
15 the 1994 Act, prior to their amendment by the 2013  
16 Act, shall be available for this program;

17           (12) \$6,000,000 is for education and training  
18 to end violence against and abuse of women with  
19 disabilities, as authorized by section 1402 of the  
20 2000 Act;

21           (13) \$1,000,000 is for the National Resource  
22 Center on Workplace Responses to assist victims of  
23 domestic violence, as authorized by section 41501 of  
24 the 1994 Act;



1           (14) \$1,000,000 is for analysis and research on  
2 violence against Indian women, including as author-  
3 ized by section 904 of the 2005 Act: *Provided*, That  
4 such funds may be transferred to “Research, Eval-  
5 uation and Statistics” for administration by the Of-  
6 fice of Justice Programs;

7           (15) \$500,000 is for a national clearinghouse  
8 that provides training and technical assistance on  
9 issues relating to sexual assault of American Indian  
10 and Alaska Native women;

11           (16) \$4,300,000 is for grants to assist tribal  
12 governments in exercising special domestic violence  
13 criminal jurisdiction, as authorized by section 904 of  
14 the 2013 Act: *Provided*, That the grant conditions in  
15 section 40002(b) of the 1994 Act shall apply to this  
16 program; and

17           (17) \$2,200,000 is for the purposes authorized  
18 under the 2015 Act.

19                           OFFICE OF JUSTICE PROGRAMS

20                           RESEARCH, EVALUATION AND STATISTICS

21           For grants, contracts, cooperative agreements, and  
22 other assistance authorized by title I of the Omnibus  
23 Crime Control and Safe Streets Act of 1968 (Public Law  
24 90-351) (“the 1968 Act”); the Violent Crime Control and  
25 Law Enforcement Act of 1994 (Public Law 103-322)

1 (“the 1994 Act”); the Juvenile Justice and Delinquency  
2 Prevention Act of 1974 (Public Law 93-415) (“the 1974  
3 Act”); the Prosecutorial Remedies and Other Tools to end  
4 the Exploitation of Children Today Act of 2003 (Public  
5 Law 108–21) (“the PROTECT Act”); the Justice for All  
6 Act of 2004 (Public Law 108–405); the Violence Against  
7 Women and Department of Justice Reauthorization Act  
8 of 2005 (Public Law 109–162) (“the 2005 Act”); the Vic-  
9 tims of Child Abuse Act of 1990 (Public Law 101–647);  
10 the Second Chance Act of 2007 (Public Law 110–199);  
11 the Victims of Crime Act of 1984 (Public Law 98–473);  
12 the Adam Walsh Child Protection and Safety Act of 2006  
13 (Public Law 109–248) (“the Adam Walsh Act”); the  
14 PROTECT Our Children Act of 2008 (Public Law 110–  
15 401); subtitle C of title II of the Homeland Security Act  
16 of 2002 (Public Law 107–296) (“the 2002 Act”); the  
17 Prison Rape Elimination Act of 2003 (Public Law 108-  
18 79); the NICS Improvement Amendments Act of 2007  
19 (Public Law 110–180); the Violence Against Women Re-  
20 authorization Act of 2013 (Public Law 113–4) (“the 2013  
21 Act”); the Comprehensive Addiction and Recovery Act of  
22 2016 (Public Law 114-198); the First Step Act of 2018  
23 (Public Law 115-391); and other programs, \$88,500,000,  
24 to remain available until expended, of which—

1           (1) \$45,000,000 is for criminal justice statistics  
2 programs, and other activities, as authorized by part  
3 C of title I of the 1968 Act; and

4           (2) \$43,500,000 is for research, development,  
5 and evaluation programs, and other activities as au-  
6 thorized by part B of title I of the 1968 Act and  
7 subtitle C of title II of the 2002 Act, and for activi-  
8 ties authorized by or consistent with the First Step  
9 Act of 2018, of which \$6,000,000 is for research  
10 targeted toward developing a better understanding  
11 of the domestic radicalization phenomenon, and ad-  
12 vancing evidence-based strategies for effective inter-  
13 vention and prevention; \$1,500,000 is for research  
14 to study the root causes of school violence to include  
15 the impact and effectiveness of grants made under  
16 the STOP School Violence Act; \$1,500,000 is for a  
17 national study to understand the responses of law  
18 enforcement to sex trafficking of minors; and  
19 \$3,000,000 is for a national center on forensics.

20 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For grants, contracts, cooperative agreements, and  
23 other assistance authorized by the Violent Crime Control  
24 and Law Enforcement Act of 1994 (Public Law 103–322)  
25 (“the 1994 Act”); the Omnibus Crime Control and Safe

1 Streets Act of 1968 (Public Law 90-351) (“the 1968  
2 Act”); the Justice for All Act of 2004 (Public Law 108–  
3 405); the Victims of Child Abuse Act of 1990 (Public Law  
4 101–647) (“the 1990 Act”); the Trafficking Victims Pro-  
5 tection Reauthorization Act of 2005 (Public Law 109–  
6 164); the Violence Against Women and Department of  
7 Justice Reauthorization Act of 2005 (Public Law 109–  
8 162) (“the 2005 Act”); the Adam Walsh Child Protection  
9 and Safety Act of 2006 (Public Law 109–248) (“the  
10 Adam Walsh Act”); the Victims of Trafficking and Vio-  
11 lence Protection Act of 2000 (Public Law 106–386); the  
12 NICS Improvement Amendments Act of 2007 (Public  
13 Law 110–180); subtitle C of title II of the Homeland Se-  
14 curity Act of 2002 (Public Law 107–296) (“the 2002  
15 Act”); the Prison Rape Elimination Act of 2003 (Public  
16 Law 108-79); the Second Chance Act of 2007 (Public Law  
17 110–199); the Prioritizing Resources and Organization for  
18 Intellectual Property Act of 2008 (Public Law 110–403);  
19 the Victims of Crime Act of 1984 (Public Law 98–473);  
20 the Mentally Ill Offender Treatment and Crime Reduction  
21 Reauthorization and Improvement Act of 2008 (Public  
22 Law 110–416); the Violence Against Women Reauthoriza-  
23 tion Act of 2013 (Public Law 113–4) (“the 2013 Act”);  
24 the Comprehensive Addiction and Recovery Act of 2016  
25 (Public Law 114–198) (“CARA”); the Justice for All Re-

1 authorization Act of 2016 (Public Law 114–324); Kevin  
2 and Avonte’s Law (division Q of Public Law 115–141)  
3 (“Kevin and Avonte’s Law”); the Keep Young Athletes  
4 Safe Act of 2018 (title III of division S of Public Law  
5 115–141) (“the Keep Young Athletes Safe Act”); the  
6 STOP School Violence Act of 2018 (title V of division S  
7 of Public Law 115–141) (“the STOP School Violence  
8 Act”); the Fix NICS Act of 2018 (title VI of division S  
9 of Public Law 115–141); the Project Safe Neighborhoods  
10 Grant Program Authorization Act of 2018 (Public Law  
11 115–185); the SUPPORT for Patients and Communities  
12 Act (Public Law 115–271); the Second Chance Reauthor-  
13 ization Act of 2018 (Public Law 115–391); and the Mat-  
14 thew Shepard and James Byrd, Jr. Hate Crimes Preven-  
15 tion Act (Public Law 111-84); and other programs,  
16 \$2,402,000,000, to remain available until expended as fol-  
17 lows—

18           (1) \$525,000,000 for the Edward Byrne Memo-  
19           rial Justice Assistance Grant program as authorized  
20           by subpart 1 of part E of title I of the 1968 Act  
21           (except that section 1001(c), and the special rules  
22           for Puerto Rico under section 505(g) of title I of the  
23           1968 Act shall not apply for purposes of this Act),  
24           of which, notwithstanding such subpart 1;  
25           \$12,500,000 is for an Officer Robert Wilson III me-

1 memorial initiative on Preventing Violence Against Law  
2 Enforcement and Ensuring Officer Resilience and  
3 Survivability (VALOR); \$7,500,000 is for an initia-  
4 tive to support evidence-based policing; \$8,500,000  
5 is for an initiative to enhance prosecutorial decision-  
6 making; \$2,400,000 is for the operationalization,  
7 maintenance and expansion of the National Missing  
8 and Unidentified Persons System; \$3,000,000 is for  
9 an academic based training initiative to improve po-  
10 lice-based responses to people with mental illness or  
11 developmental disabilities; \$3,000,000 is for a stu-  
12 dent loan repayment assistance program pursuant to  
13 section 952 of Public Law 110–315; \$15,500,000 is  
14 for prison rape prevention and prosecution grants to  
15 States and units of local government, and other pro-  
16 grams, as authorized by the Prison Rape Elimini-  
17 nation Act of 2003 (Public Law 108–79);  
18 \$3,000,000 is for a grant program authorized by  
19 Kevin and Avonte’s Law; \$3,000,000 is for a re-  
20 gional law enforcement technology initiative;  
21 \$20,000,000 is for grants authorized under the  
22 Project Safe Neighborhoods Grant Authorization Act  
23 of 2018 (Public Law 115–185); \$2,000,000 is for a  
24 grant to provide a drug field testing and training  
25 initiative; \$6,500,000 is for the Capital Litigation

1 Improvement Grant Program, as authorized by sec-  
2 tion 426 of Public Law 108–405, and for grants for  
3 wrongful conviction review; \$3,000,000 is for grants  
4 to States and units of local government to deploy  
5 managed access systems to combat contraband cell  
6 phone use in prison; \$1,500,000 is for a collabo-  
7 rative mental health and anti-recidivism initiative;  
8 \$3,000,000 is for a program to improve juvenile in-  
9 digent defense; \$9,000,000 is for community-based  
10 violence prevention initiatives; \$3,500,000 is for a  
11 national center for restorative justice; \$2,000,000 is  
12 for grants for construction, renovation, or upgrades  
13 of child-friendly family visitation spaces in correc-  
14 tional facilities; \$5,000,000 is for the development of  
15 best practices for and the creation of local task  
16 forces on public safety innovation consistent with the  
17 requirements as described in section 366 of H.R.  
18 7120 as passed by the House of Representatives on  
19 June 25, 2020; \$15,000,000 is for technical assist-  
20 ance grants to law enforcement agencies, consistent  
21 with requirements as described in section 224 of  
22 H.R. 7120 as passed by the House of Representa-  
23 tives on June 25, 2020, regarding reporting data on  
24 the use of force by law enforcement officers;  
25 \$5,000,000 is for competitive grants or contracts to

1 law enforcement agencies, for the purpose of devel-  
2 oping and implementing data collection programs on  
3 hit rates for stops and searches by law enforcement  
4 agencies, consistent with requirements as described  
5 in subsections (a) and (b) of section 333 of H.R.  
6 7120 as passed by the House of Representatives on  
7 June 25, 2020; \$7,200,000 is for grants to support  
8 State and local law enforcement agencies in com-  
9 plying with law enforcement reform efforts as a re-  
10 sult of litigation, including consent decrees, out-of-  
11 court settlements, memoranda of understanding,  
12 findings, technical assistance, and recommendation  
13 letters provided by reform authorities; and  
14 \$50,000,000 is for training programs for State and  
15 local law enforcement officers on racial profiling, im-  
16 plicit bias, de-escalation, use of force and a duty to  
17 intervene, and procedural justice: *Provided*, That of  
18 the grant awards funded from amounts provided  
19 herein and not otherwise specified under this para-  
20 graph, each applicant shall provide assurance that,  
21 for each fiscal year covered by an application, the  
22 applicant will use not less than 10 percent of the  
23 total amount of the grant award for the fiscal year  
24 to develop and implement best practice devices and  
25 systems to eliminate racial profiling, including train-



1 ing to prevent racial profiling and to encourage more  
2 respectful interaction with the public, the acquisition  
3 and use of technology to facilitate the accurate col-  
4 lection and analysis of data, the development and ac-  
5 quisition of feedback systems and technologies that  
6 identify law enforcement agents or units of agents  
7 engaged in, or at risk of engaging in, racial profiling  
8 or other misconduct, and the establishment and  
9 maintenance of an administrative complaint proce-  
10 dure or independent auditor program: *Provided fur-*  
11 *ther*, That of the grant awards funded from amounts  
12 provided herein and not otherwise specified under  
13 this paragraph, each applicant shall provide assur-  
14 ance that, for each fiscal year covered by an applica-  
15 tion, the applicant will use not less than 5 percent  
16 of the total amount of the grant award for the fiscal  
17 year to assist law enforcement agencies of the appli-  
18 cant, including campus public safety departments, to  
19 gain or maintain accreditation from certified law en-  
20 forcement accreditation organizations, consistent  
21 with the requirements as described in section 113 of  
22 H.R. 7120 as passed by the House of Representa-  
23 tives on June 25, 2020: *Provided further*, That of  
24 the grant awards funded from amounts provided  
25 herein and not otherwise specified under this para-

1 graph, each applicant shall provide assurance that  
2 the applicant will use not less than 5 percent of the  
3 total amount of the grant award for the fiscal year  
4 to study and implement effective management, train-  
5 ing, recruiting, hiring, and oversight standards and  
6 programs to promote effective community and prob-  
7 lem solving strategies for law enforcement agencies,  
8 consistent with the requirements as described in sec-  
9 tion 114 of H.R. 7120 as passed by the House of  
10 Representatives on June 25, 2020: *Provided further,*  
11 That of the grant awards funded from amounts pro-  
12 vided herein and not otherwise specified under this  
13 paragraph, each applicant shall provide assurance  
14 that, for each fiscal year covered by an application,  
15 the applicant will use not less than 5 percent of the  
16 total amount of the grant award for the fiscal year  
17 to develop policies and procedures in compliance  
18 with section 382 of H.R. 7120 as passed by the  
19 House of Representatives on June 25, 2020: *Pro-*  
20 *vided further,* That for purposes of this paragraph,  
21 the term “applicant” means a recipient and a sub-  
22 recipient of funds under a program described in this  
23 paragraph: *Provided further,* That awards here-  
24 under, shall not be subject to restrictions or special  
25 conditions that are the same as (or substantially

1 similar to) those, imposed on awards under such  
2 subpart in fiscal year 2018, that forbid interference  
3 with Federal law enforcement;

4 (2) \$251,500,000 for the State Criminal Alien  
5 Assistance Program, as authorized by section  
6 241(i)(5) of the Immigration and Nationality Act (8  
7 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction  
8 shall request compensation for any cost greater than  
9 the actual cost for Federal immigration and other  
10 detainees housed in State and local detention facili-  
11 ties;

12 (3) \$95,000,000 for victim services programs  
13 for victims of trafficking, as authorized by section  
14 107(b)(2) of Public Law 106–386, for programs au-  
15 thorized under Public Law 109–164, or programs  
16 authorized under Public Law 113–4;

17 (4) \$14,500,000 for economic, high technology,  
18 white collar, and Internet crime prevention grants,  
19 including as authorized by section 401 of Public  
20 Law 110–403, of which \$2,500,000 is for competi-  
21 tive grants that help State and local law enforce-  
22 ment tackle intellectual property thefts, and  
23 \$2,000,000 for a competitive grant program for  
24 training students in computer forensics and digital  
25 investigation;

1           (5) \$20,500,000 for sex offender management  
2 assistance, as authorized by the Adam Walsh Act,  
3 and related activities;

4           (6) \$29,000,000 for the Patrick Leahy Bullet-  
5 proof Vest Partnership Grant Program, as author-  
6 ized by section 2501 of title I of the 1968 Act: *Pro-*  
7 *vided*, That \$1,500,000 is transferred directly to the  
8 National Institute of Standards and Technology's  
9 Office of Law Enforcement Standards for research,  
10 testing and evaluation programs;

11           (7) \$1,000,000 for the National Sex Offender  
12 Public Website;

13           (8) \$88,000,000 for grants to States to up-  
14 grade criminal and mental health records for the  
15 National Instant Criminal Background Check Sys-  
16 tem, of which no less than \$25,000,000 shall be for  
17 grants made under the authorities of the NICS Im-  
18 provement Amendments Act of 2007 (Public Law  
19 110–180) and Fix NICS Act of 2018;

20           (9) \$30,500,000 for Paul Coverdell Forensic  
21 Sciences Improvement Grants under part BB of title  
22 I of the 1968 Act;

23           (10) \$142,000,000 for DNA-related and foren-  
24 sic programs and activities, of which—

1 (A) \$108,000,000 is for the purposes au-  
2 thorized under section 2 of the DNA Analysis  
3 Backlog Elimination Act of 2000 (Public Law  
4 106–546) (the Debbie Smith DNA Backlog  
5 Grant Program): *Provided*, That up to 4 per-  
6 cent of funds made available under this para-  
7 graph may be used for the purposes described  
8 in the DNA Training and Education for Law  
9 Enforcement, Correctional Personnel, and  
10 Court Officers program (Public Law 108–405,  
11 section 303);

12 (B) \$19,000,000 is for other local, State,  
13 and Federal forensic activities;

14 (C) \$9,000,000 is for the purposes de-  
15 scribed in the Kirk Bloodsworth Post-Convic-  
16 tion DNA Testing Grant Program (Public Law  
17 108–405, section 412); and

18 (D) \$6,000,000 is for Sexual Assault Fo-  
19 rensic Exam Program grants, including as au-  
20 thorized by section 304 of Public Law 108–405;

21 (11) \$49,000,000 for a grant program for com-  
22 munity-based sexual assault response reform;

23 (12) \$12,500,000 for the court-appointed spe-  
24 cial advocate program, as authorized by section 217  
25 of the 1990 Act;

1           (13) \$39,500,000 for assistance to Indian  
2 tribes;

3           (14) \$100,000,000 for offender reentry pro-  
4 grams and research, as authorized by the Second  
5 Chance Act of 2007 (Public Law 110–199) and by  
6 the Second Chance Reauthorization Act of 2018  
7 (Public Law 115–391), without regard to the time  
8 limitations specified at section 6(1) of such Act, of  
9 which not to exceed \$6,000,000 is for a program to  
10 improve State, local, and tribal probation or parole  
11 supervision efforts and strategies, \$5,000,000 is for  
12 Children of Incarcerated Parents Demonstrations to  
13 enhance and maintain parental and family relation-  
14 ships for incarcerated parents as a reentry or recidi-  
15 vism reduction strategy, and \$4,500,000 is for addi-  
16 tional replication sites employing the Project HOPE  
17 Opportunity Probation with Enforcement model im-  
18 plementing swift and certain sanctions in probation,  
19 and for a research project on the effectiveness of the  
20 model: *Provided*, That up to \$7,500,000 of funds  
21 made available in this paragraph may be used for  
22 performance-based awards for Pay for Success  
23 projects, of which up to \$5,000,000 shall be for Pay  
24 for Success programs implementing the Permanent  
25 Supportive Housing Model;

1           (15) \$77,500,000 for initiatives to improve po-  
2           lice-community relations, of which \$27,500,000 is  
3           for a competitive matching grant program for pur-  
4           chases of body-worn cameras for State, local and  
5           Tribal law enforcement, \$30,000,000 is for a justice  
6           reinvestment initiative, for activities related to crimi-  
7           nal justice reform and recidivism reduction, and  
8           \$20,000,000 is for an Edward Byrne Memorial  
9           criminal justice innovation program;

10           (16) \$412,000,000 for comprehensive opioid  
11           abuse reduction activities, including as authorized by  
12           CARA, and for the following programs, which shall  
13           address opioid, stimulant, and substance abuse re-  
14           duction consistent with underlying program authori-  
15           ties—

16                   (A) \$85,000,000 for Drug Courts, as au-  
17                   thorized by section 1001(a)(25)(A) of title I of  
18                   the 1968 Act;

19                   (B) \$43,000,000 for mental health courts  
20                   and adult and juvenile collaboration program  
21                   grants, as authorized by parts V and HH of  
22                   title I of the 1968 Act, and the Mentally Ill Of-  
23                   fender Treatment and Crime Reduction Reau-  
24                   thorization and Improvement Act of 2008 (Pub-  
25                   lic Law 110–416);

1 (C) \$35,000,000 for grants for Residential  
2 Substance Abuse Treatment for State Pris-  
3 oners, as authorized by part S of title I of the  
4 1968 Act;

5 (D) \$30,000,000 for a veterans treatment  
6 courts program;

7 (E) \$31,000,000 for a program to monitor  
8 prescription drugs and scheduled listed chemical  
9 products; and

10 (F) \$188,000,000 for a comprehensive  
11 opioid, stimulant, and substance abuse pro-  
12 gram;

13 (17) \$2,500,000 for a competitive grant pro-  
14 gram authorized by the Keep Young Athletes Safe  
15 Act;

16 (18) \$87,000,000 for grants to be administered  
17 by the Bureau of Justice Assistance for purposes au-  
18 thorized under the STOP School Violence Act;

19 (19) \$2,000,000 for grants to state and local  
20 law enforcement agencies for the expenses associated  
21 with the investigation and prosecution of criminal of-  
22 fenses, involving civil rights, authorized by the Em-  
23 mettt Till Unsolved Civil Rights Crimes Reauthoriza-  
24 tion Act of 2016 (Public Law 114–325);



1           (20) \$8,000,000 for grants to State, local, and  
2           tribal law enforcement agencies to conduct edu-  
3           cational outreach and training on hate crimes and to  
4           investigate and prosecute hate crimes, as authorized  
5           by section 4704 of the Matthew Shepard and James  
6           Byrd, Jr. Hate Crimes Prevention Act (Public Law  
7           111–84);

8           (21) \$15,000,000 for a competitive grant pilot  
9           program for qualified nonprofit organizations to pro-  
10          vide legal representation to immigrants arriving at  
11          the southwest border seeking asylum and other  
12          forms of legal protection in the United States; and

13          (22) \$400,000,000 for Law Enforcement Ac-  
14          countability Grants, of which—

15                (A) \$350,000,000 is for grants to hold law  
16                enforcement accountable in the courts: *Pro-*  
17                *vided*, That of the amounts provided under this  
18                paragraph, \$100,000,000 shall be for grants to  
19                assist States in conducting pattern and practice  
20                investigations at the State level, consistent with  
21                the requirements as described in section 103(b)  
22                of H.R. 7120 as passed by the House of Rep-  
23                resentatives on June 25, 2020: *Provided fur-*  
24                *ther*, That of the amounts provided,  
25                \$250,000,000 shall be for grants to States and

1 Tribal Governments to assist in implementing  
2 statutes providing for independent investigation  
3 of law enforcement officers, consistent with the  
4 requirements as described in section 104 of  
5 H.R. 7120 as passed by the House of Rep-  
6 resentatives on June 25, 2020; and

7 (B) \$50,000,000 is for Law Enforcement  
8 Trust and Integrity Grant Programs: *Provided*,  
9 That of the amounts provided under this sub-  
10 paragraph—

11 (i) \$25,000,000 shall be for grants to  
12 allow community-based organizations to  
13 study management and operations stand-  
14 ards for law enforcement agencies, con-  
15 sistent with the requirements as described  
16 in subsections (b) and (c) of section 114 of  
17 H.R. 7120 as passed by the House of Rep-  
18 resentatives on June 25, 2020; and

19 (ii) \$25,000,000 shall be for grants to  
20 develop pilot programs and implement ef-  
21 fective standards and programs, consistent  
22 with the requirements as described in sub-  
23 sections (c) and (d) of section 114 of H.R.  
24 7120 as passed by the House of Represent-  
25 atives on June 25, 2020.

## 1 JUVENILE JUSTICE PROGRAMS

2 For grants, contracts, cooperative agreements, and  
3 other assistance authorized by the Juvenile Justice and  
4 Delinquency Prevention Act of 1974 (“the 1974 Act”); the  
5 Omnibus Crime Control and Safe Streets Act of 1968  
6 (“the 1968 Act”); the Violence Against Women and De-  
7 partment of Justice Reauthorization Act of 2005 (Public  
8 Law 109–162) (“the 2005 Act”); the Missing Children’s  
9 Assistance Act (34 U.S.C. 11291 et seq.); the Prosecu-  
10 torial Remedies and Other Tools to end the Exploitation  
11 of Children Today Act of 2003 (Public Law 108–21); the  
12 Victims of Child Abuse Act of 1990 (Public Law 101–  
13 647) (“the 1990 Act”); the Adam Walsh Child Protection  
14 and Safety Act of 2006 (Public Law 109–248) (“the  
15 Adam Walsh Act”); the PROTECT Our Children Act of  
16 2008 (Public Law 110–401); the Violence Against Women  
17 Reauthorization Act of 2013 (Public Law 113–4) (“the  
18 2013 Act”); the Justice for All Reauthorization Act of  
19 2016 (Public Law 114–324); the Juvenile Justice Reform  
20 Act of 2018 (Public Law 115–385); and other juvenile jus-  
21 tice programs, \$337,000,000, to remain available until ex-  
22 pended as follows—

- 23 (1) \$65,000,000 for programs authorized by  
24 section 221 of the 1974 Act, and for training and  
25 technical assistance to assist small, nonprofit organi-

1 zations with the Federal grants process: *Provided*,  
2 That of the amounts provided under this paragraph,  
3 \$500,000 shall be for a competitive demonstration  
4 grant program to support emergency planning  
5 among State, local and tribal juvenile justice resi-  
6 dential facilities;

7 (2) \$100,000,000 for youth mentoring grants;

8 (3) \$44,000,000 for delinquency prevention, of  
9 which, pursuant to sections 261 and 262 of the  
10 1974 Act—

11 (A) \$3,000,000 shall be for grants to pre-  
12 vent trafficking of girls;

13 (B) \$5,000,000 shall be for the Tribal  
14 Youth Program;

15 (C) \$500,000 shall be for an Internet site  
16 providing information and resources on children  
17 of incarcerated parents;

18 (D) \$2,000,000 shall be for competitive  
19 grants focusing on girls in the juvenile justice  
20 system;

21 (E) \$10,000,000 shall be for an opioid-af-  
22 fected youth initiative; and

23 (F) \$8,000,000 shall be for an initiative  
24 relating to children exposed to violence;

1 (4) \$28,500,000 for programs authorized by  
2 the Victims of Child Abuse Act of 1990;

3 (5) \$94,500,000 for missing and exploited chil-  
4 dren programs, including as authorized by sections  
5 404(b) and 405(a) of the 1974 Act (except that sec-  
6 tion 102(b)(4)(B) of the PROTECT Our Children  
7 Act of 2008 (Public Law 110–401) shall not apply  
8 for purposes of this Act); and

9 (6) \$5,000,000 for child abuse training pro-  
10 grams for judicial personnel and practitioners, as  
11 authorized by section 222 of the 1990 Act:

12 *Provided*, That not more than 10 percent of each amount  
13 may be used for research, evaluation, and statistics activi-  
14 ties designed to benefit the programs or activities author-  
15 ized: *Provided further*, That not more than 2 percent of  
16 the amounts designated under paragraphs (1) through (3)  
17 and (6) may be used for training and technical assistance:  
18 *Provided further*, That the two preceding provisos shall not  
19 apply to grants and projects administered pursuant to sec-  
20 tions 261 and 262 of the 1974 Act and to missing and  
21 exploited children programs.

22 PUBLIC SAFETY OFFICER BENEFITS

23 (INCLUDING TRANSFER OF FUNDS)

24 For payments and expenses authorized under section  
25 1001(a)(4) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968, such sums as are necessary (in-  
 2 cluding amounts for administrative costs), to remain avail-  
 3 able until expended; and \$24,800,000 for payments au-  
 4 thorized by section 1201(b) of such Act and for edu-  
 5 cational assistance authorized by section 1218 of such Act,  
 6 to remain available until expended: *Provided*, That upon  
 7 a determination by the Attorney General that emergent  
 8 circumstances require additional funding for such dis-  
 9 ability and education payments, the Attorney General may  
 10 transfer such amounts to “Public Safety Officer Benefits”  
 11 from available appropriations for the Department of Jus-  
 12 tice as may be necessary to respond to such circumstances:  
 13 *Provided further*, That any transfer pursuant to the pre-  
 14 ceding proviso shall be treated as a reprogramming under  
 15 section 505 of this Act and shall not be available for obli-  
 16 gation or expenditure except in compliance with the proce-  
 17 dures set forth in that section.

18           COMMUNITY ORIENTED POLICING SERVICES

19       COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

20                   (INCLUDING TRANSFER OF FUNDS)

21       For activities authorized by the Violent Crime Con-  
 22 trol and Law Enforcement Act of 1994 (Public Law 103–  
 23 322); the Omnibus Crime Control and Safe Streets Act  
 24 of 1968 (“the 1968 Act”); the Violence Against Women  
 25 and Department of Justice Reauthorization Act of 2005

1 (Public Law 109–162) (“the 2005 Act”); the American  
2 Law Enforcement Heroes Act of 2017 (Public Law 115–  
3 37); and the SUPPORT for Patients and Communities  
4 Act (Public Law 115–271), \$343,000,000, to remain  
5 available until expended: *Provided*, That any balances  
6 made available through prior year deobligations shall only  
7 be available in accordance with section 505 of this Act:  
8 *Provided further*, That of the amount provided under this  
9 heading—

10 (1) \$231,000,000 is for grants under section  
11 1701 of title I of the 1968 Act (34 U.S.C. 10381)  
12 for the hiring and rehiring of additional career law  
13 enforcement officers under part Q of such title not-  
14 withstanding subsection (i) of such section: *Pro-*  
15 *vided*, That, notwithstanding section 1704(c) of such  
16 title (34 U.S.C. 10384(c)), funding for hiring or re-  
17 hiring a career law enforcement officer may not ex-  
18 ceed \$125,000 unless the Director of the Office of  
19 Community Oriented Policing Services grants a  
20 waiver from this limitation: *Provided further*, That  
21 within the amounts appropriated under this para-  
22 graph, \$27,000,000 is for improving tribal law en-  
23 forcement, including hiring, equipment, training,  
24 anti-methamphetamine activities, and anti-opioid ac-  
25 tivities: *Provided further*, That of the amounts ap-

1       appropriated under this paragraph, \$6,500,000 is for  
2       community policing development activities in fur-  
3       therance of the purposes in section 1701: *Provided*  
4       *further*, That of the amounts appropriated under  
5       this paragraph \$40,000,000 is for regional informa-  
6       tion sharing activities, as authorized by part M of  
7       title I of the 1968 Act, which shall be transferred  
8       to and merged with “Research, Evaluation, and Sta-  
9       tistics” for administration by the Office of Justice  
10      Programs: *Provided further*, That within the  
11      amounts appropriated under this paragraph, no less  
12      than \$3,000,000 is to support the Tribal Access  
13      Program: *Provided further*, That within the amounts  
14      appropriated under this paragraph, \$5,000,000 is  
15      for training, peer mentoring, and mental health pro-  
16      gram activities as authorized under the Law En-  
17      forcement Mental Health and Wellness Act (Public  
18      Law 115–113): *Provided further*, That within the  
19      amount appropriated under this paragraph, no less  
20      than \$4,000,000 is for grant programs to develop  
21      best practices for, and to create, civilian review  
22      boards, consistent with the requirements as de-  
23      scribed in section 104(b) of H.R. 7120 as passed by  
24      in the House of Representatives on June 25, 2020.



1           (2) \$11,000,000 is for activities authorized by  
2 the POLICE Act of 2016 (Public Law 114–199);

3           (3) \$13,000,000 is for competitive grants to  
4 State law enforcement agencies in States with high  
5 seizures of precursor chemicals, finished meth-  
6 amphetamine, laboratories, and laboratory dump sei-  
7 zures: *Provided*, That funds appropriated under this  
8 paragraph shall be utilized for investigative purposes  
9 to locate or investigate illicit activities, including  
10 precursor diversion, laboratories, or methamphet-  
11 amine traffickers;

12           (4) \$35,000,000 is for competitive grants to  
13 statewide law enforcement agencies in States with  
14 high rates of primary treatment admissions for her-  
15 oin and other opioids: *Provided*, That these funds  
16 shall be utilized for investigative purposes to locate  
17 or investigate illicit activities, including activities re-  
18 lated to the distribution of heroin or unlawful dis-  
19 tribution of prescription opioids, or unlawful heroin  
20 and prescription opioid traffickers through statewide  
21 collaboration; and

22           (5) \$53,000,000 is for competitive grants to be  
23 administered by the Community Oriented Policing  
24 Services Office for purposes authorized under the

1 STOP School Violence Act (title V of division S of  
2 Public Law 115–141).

3 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE  
4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. None of the funds appropriated by this  
6 title shall be available to pay for an abortion, except where  
7 the life of the mother would be endangered if the fetus  
8 were carried to term, or in the case of rape or incest: *Pro-*  
9 *vided*, That should this prohibition be declared unconstitu-  
10 tional by a court of competent jurisdiction, this section  
11 shall be null and void.

12 SEC. 202. None of the funds appropriated under this  
13 title shall be used to require any person to perform, or  
14 facilitate in any way the performance of, any abortion.

15 SEC. 203. Nothing in the preceding section shall re-  
16 move the obligation of the Director of the Bureau of Pris-  
17 ons to provide escort services necessary for a female in-  
18 mate to receive such service outside the Federal facility:  
19 *Provided*, That nothing in this section in any way dimin-  
20 ishes the effect of section 202 intended to address the phil-  
21 osophical beliefs of individual employees of the Bureau of  
22 Prisons.

23 SEC. 204. None of the funds made available under  
24 this title may be used by the Federal Bureau of Prisons  
25 or the United States Marshals Service for the purpose of

1 transporting an individual who is a prisoner pursuant to  
2 conviction for crime under State or Federal law and is  
3 classified as a maximum or high security prisoner, other  
4 than to a prison or other facility certified by the Federal  
5 Bureau of Prisons as appropriately secure for housing  
6 such a prisoner.

7       SEC. 205. (a) None of the funds appropriated by this  
8 Act may be used by Federal prisons to purchase cable tele-  
9 vision services, or to rent or purchase audiovisual or elec-  
10 tronic media or equipment used primarily for recreational  
11 purposes.

12       (b) Subsection (a) does not preclude the rental, main-  
13 tenance, or purchase of audiovisual or electronic media or  
14 equipment for inmate training, religious, or educational  
15 programs.

16       SEC. 206. None of the funds made available under  
17 this title shall be obligated or expended for any new or  
18 enhanced information technology program having total es-  
19 timated development costs in excess of \$100,000,000, un-  
20 less the Deputy Attorney General and the investment re-  
21 view board certify to the Committees on Appropriations  
22 of the House of Representatives and the Senate that the  
23 information technology program has appropriate program  
24 management controls and contractor oversight mecha-

1 nisms in place, and that the program is compatible with  
2 the enterprise architecture of the Department of Justice.

3       SEC. 207. The notification thresholds and procedures  
4 set forth in section 505 of this Act shall apply to devi-  
5 ations from the amounts designated for specific activities  
6 in this Act and in the report accompanying this Act, and  
7 to any use of deobligated balances of funds provided under  
8 this title in previous years.

9       SEC. 208. None of the funds appropriated by this Act  
10 may be used to plan for, begin, continue, finish, process,  
11 or approve a public-private competition under the Office  
12 of Management and Budget Circular A-76 or any suc-  
13 cessor administrative regulation, directive, or policy for  
14 work performed by employees of the Bureau of Prisons  
15 or of Federal Prison Industries, Incorporated.

16       SEC. 209. Notwithstanding any other provision of  
17 law, no funds shall be available for the salary, benefits,  
18 or expenses of any United States Attorney assigned dual  
19 or additional responsibilities by the Attorney General or  
20 his designee that exempt that United States Attorney  
21 from the residency requirements of section 545 of title 28,  
22 United States Code.

23       SEC. 210. At the discretion of the Attorney General,  
24 and in addition to any amounts that otherwise may be  
25 available (or authorized to be made available) by law, with

1 respect to funds appropriated by this title under the head-  
2 ings “Research, Evaluation and Statistics”, “State and  
3 Local Law Enforcement Assistance”, and “Juvenile Jus-  
4 tice Programs”—

5           (1) up to 2 percent of funds made available to  
6 the Office of Justice Programs for grant or reim-  
7 bursement programs may be used by such Office to  
8 provide training and technical assistance; and

9           (2) up to 2 percent of funds made available for  
10 grant or reimbursement programs under such head-  
11 ings, except for amounts appropriated specifically for  
12 research, evaluation, or statistical programs adminis-  
13 tered by the National Institute of Justice and the  
14 Bureau of Justice Statistics, shall be transferred to  
15 and merged with funds provided to the National In-  
16 stitute of Justice and the Bureau of Justice Statis-  
17 tics, to be used by them for research, evaluation, or  
18 statistical purposes, without regard to the authoriza-  
19 tions for such grant or reimbursement programs.

20       SEC. 211. Upon request by a grantee for whom the  
21 Attorney General has determined there is a fiscal hard-  
22 ship, the Attorney General may, with respect to funds ap-  
23 propriated in this or any other Act making appropriations  
24 for fiscal years 2018 through 2021 for the following pro-  
25 grams, waive the following requirements:

1           (1) For the adult and juvenile offender State  
2           and local reentry demonstration projects under part  
3           FF of title I of the Omnibus Crime Control and  
4           Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.),  
5           the requirements under section 2976(g)(1) of such  
6           part (34 U.S.C. 10631(g)(1)).

7           (2) For grants to protect inmates and safe-  
8           guard communities as authorized by section 6 of the  
9           Prison Rape Elimination Act of 2003 (34 U.S.C.  
10          30305(c)(3)), the requirements of section 6(c)(3) of  
11          such Act.

12          SEC. 212. Notwithstanding any other provision of  
13          law, section 20109(a) of subtitle A of title II of the Violent  
14          Crime Control and Law Enforcement Act of 1994 (34  
15          U.S.C. 12109(a)) shall not apply to amounts made avail-  
16          able by this or any other Act.

17          SEC. 213. None of the funds made available under  
18          this Act, other than for the national instant criminal back-  
19          ground check system established under section 103 of the  
20          Brady Handgun Violence Prevention Act (34 U.S.C.  
21          40901), may be used by a Federal law enforcement officer  
22          to facilitate the transfer of an operable firearm to an indi-  
23          vidual if the Federal law enforcement officer knows or sus-  
24          pects that the individual is an agent of a drug cartel, un-

1 less law enforcement personnel of the United States con-  
2 tinuously monitor or control the firearm at all times.

3       SEC. 214. (a) None of the income retained in the De-  
4 partment of Justice Working Capital Fund pursuant to  
5 title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.  
6 527 note) shall be available for obligation during fiscal  
7 year 2021, except up to \$12,000,000 may be obligated for  
8 implementation of a unified Department of Justice finan-  
9 cial management system.

10       (b) Not to exceed \$30,000,000 of the unobligated bal-  
11 ances transferred to the capital account of the Department  
12 of Justice Working Capital Fund pursuant to title I of  
13 Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note)  
14 shall be available for obligation in fiscal year 2021, and  
15 any use, obligation, transfer or allocation of such funds  
16 shall be treated as a reprogramming of funds under sec-  
17 tion 505 of this Act.

18       (c) Not to exceed \$10,000,000 of the excess unobli-  
19 gated balances available under section 524(c)(8)(E) of  
20 title 28, United States Code, shall be available for obliga-  
21 tion during fiscal year 2021, and any use, obligation,  
22 transfer or allocation of such funds shall be treated as a  
23 reprogramming of funds under section 505 of this Act.

24       SEC. 215. Discretionary funds that are made avail-  
25 able in this Act for the Office of Justice Programs may

1 be used to participate in Performance Partnership Pilots  
2 authorized under such authorities as have been enacted  
3 for Performance Partnership Pilots in appropriations acts  
4 in prior fiscal years and the current fiscal year.

5 SEC. 216. Notwithstanding section 219 of division B  
6 of Public Law 116—93, section 1930(a)(6)(B) of title 28,  
7 United States Code, shall be applied for fiscal years 2021  
8 and 2022 by substituting “\$300,000,000” for  
9 “\$200,000,000”.

10 SEC. 217. None of the funds made available by this  
11 Act may be used by the Executive Office for Immigration  
12 Review to implement case performance numeric metrics  
13 that are linked to performance evaluations for individual  
14 immigration judges.

15 SEC. 218. Section 151 of the Foreign Relations Au-  
16 thorization Act, Fiscal Years 1990 and 1991 (Public Law  
17 101-246; 5 U.S.C. 5928 note), is amended—

18 (a) by striking “or” after “Drug Enforcement Ad-  
19 ministration” and inserting “, the”, and

20 (b) by inserting “, or the United States Marshals  
21 Service” after “Federal Bureau of Investigation”.

22 SEC. 219. None of the funds made available under  
23 this Act for the Edward Byrne Memorial Justice Assist-  
24 ance Grant program or Community Oriented Policing  
25 Services program may be awarded to a State or unit of



1 local government unless the United States Attorney Gen-  
2 eral certifies that the State or unit of local government—

3 (1) maintains adequate policies and procedures  
4 designed to eliminate racial profiling in law enforce-  
5 ment, and has eliminated any existing practices that  
6 permit or encourage racial profiling in law enforce-  
7 ment;

8 (2) requires each law enforcement officer in the  
9 State or unit of local government to complete train-  
10 ing programs on racial profiling, implicit bias, de-es-  
11 calation, use of force and a duty to intervene in  
12 cases where another law enforcement officer is using  
13 excessive force against a civilian, and procedural jus-  
14 tice;

15 (3) has in effect a law that prohibits law en-  
16 forcement officers in the State or other jurisdiction  
17 from using a chokehold or carotid hold, consistent  
18 with the requirements as described in section 363 of  
19 H.R. 7120 as passed by the House of Representa-  
20 tives on June 25, 2020;

21 (4) has in effect a law that prohibits law en-  
22 forcement officers in the State or other jurisdiction  
23 from using less lethal force, consistent with the re-  
24 quirements as described in section 364 of H.R. 7120

1 as passed by the House of Representatives on June  
2 25, 2020;

3 (5) has in effect a law that prohibits law en-  
4 forcement officers in the State or other jurisdiction  
5 from using deadly force, consistent with the require-  
6 ments as described in section 364 of H.R. 7120 as  
7 passed by the House of Representatives on June 25,  
8 2020;

9 (6) has in effect a law that prohibits the  
10 issuance of a “no-knock warrant” in a drug case,  
11 consistent with the requirements as described in sec-  
12 tion 362 of H.R. 7120 as passed by the House of  
13 Representatives on June 25, 2020;

14 (7) has provided the United States Attorney  
15 General a law enforcement practice report that in-  
16 cludes information on the race, ethnicity, age, and  
17 gender of the officers and employees of the law en-  
18 forcement agency and of members of the public in-  
19 volved in—

20 (A) traffic violation stops;

21 (B) pedestrian stops;

22 (C) frisk and body searches;

23 (D) instances where officers or employees  
24 of the law enforcement agency used deadly  
25 force including—

1 (i) a description of when and where  
 2 deadly force was used, and whether it re-  
 3 sulted in death;

4 (ii) a description of deadly force di-  
 5 rected against an officer or employee and  
 6 whether it resulted in injury or death; and

7 (iii) the law enforcement agency's jus-  
 8 tification for use of deadly force, if the  
 9 agency determines it was justified; and

10 (8) will not make such funds available to a law  
 11 enforcement agency that has entered into or renewed  
 12 any contractual arrangement, including a collective  
 13 bargaining agreement with a labor organization,  
 14 that—

15 (A) would prevent the Attorney General  
 16 from seeking or enforcing equitable or declara-  
 17 tory relief against a law enforcement agency en-  
 18 gaging in a pattern or practice of unconstitu-  
 19 tional misconduct; or

20 (B) conflicts with any terms or conditions  
 21 contained in a consent decree.

22 **SEC. 220. NATIONAL TASK FORCE ON LAW**  
 23 **ENFORCEMENT OVERSIGHT.**

24 (a) **ESTABLISHMENT.**—There is established with-  
 25 in the Department of Justice a task force to be known

1 as the Task Force on Law Enforcement Oversight (herein-  
2 after in this section referred to as the “Task Force”).

3 (b) COMPOSITION.—The Task Force shall be com-  
4 posed of individuals appointed by the Attorney General,  
5 who shall appoint not less than one individual from each  
6 of the following:

7 (1) The Special Litigation Section of the Civil  
8 Rights Division;

9 (2) The Criminal Section of the Civil Rights Di-  
10 vision;

11 (3) The Federal Coordination and Compliance  
12 Section of the Civil Rights Division;

13 (4) The Employment Litigation Section of the  
14 Civil Rights Division;

15 (5) The Disability Rights Section of the Civil  
16 Rights Division;

17 (6) The Office of Justice Programs;

18 (7) The Office of Community Oriented Policing  
19 Services (COPS);

20 (8) The Corruption/Civil Rights Section of the  
21 Federal Bureau of Investigation;

22 (9) The Community Relations Service;

23 (10) The Office of Tribal Justice; and

24 (11) The unit within the Department of Justice  
25 assigned as a liaison for civilian review boards.

1           (c) POWERS AND DUTIES.—The Task Force  
2 shall consult with professional law enforcement associa-  
3 tions, labor organizations, and community-based organiza-  
4 tions to coordinate the process of the detection and refer-  
5 ral of complaints regarding incidents of alleged law en-  
6 forcement misconduct.

7           SEC. 221. None of the funds appropriated by this  
8 title shall be made available for any law enforcement agen-  
9 cy of any State, unit of local government, or Federally  
10 recognized Tribal government unless the Attorney General  
11 of the United States has certified that such agency has  
12 begun or completed the process of obtaining accreditation  
13 from a law enforcement accreditation organization (as de-  
14 fined in section 112(2) of H.R. 7120 as passed by the  
15 House of Representatives on June 25, 2020) approved by  
16 the Attorney General.

17           SEC. 222. None of the funds made available under  
18 this Act for the Edward Byrne Memorial Justice Assist-  
19 ance Grant program or Community Oriented Policing  
20 Services program may be awarded to a State or unit of  
21 local government unless the United States Attorney Gen-  
22 eral certifies that the State or unit of local government  
23 has in effect a law that—

24                   (1) makes it a criminal offense for any person  
25           acting under color of law of the State or unit of local

1 government to engage in a sexual act with an indi-  
2 vidual, including an individual who is under arrest,  
3 in detention, or otherwise in the actual custody of  
4 any law enforcement officer; and

5 (2) prohibits a person charged with an offense  
6 described herein from asserting the consent of the  
7 other individual as a defense.

8 In the case of a multi-jurisdictional or regional consortium  
9 that would be eligible to receive funds under the Commu-  
10 nity Oriented Policing Services grant program, if any  
11 member of that consortium is a State or unit of local gov-  
12 ernment that does not have in effect a law described in  
13 paragraphs (1) and (2), that consortium shall not be eligi-  
14 ble to receive such funds.

15 This title may be cited as the “Department of Justice  
16 Appropriations Act, 2021”.

### 17 TITLE III

### 18 SCIENCE

#### 19 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

20 For necessary expenses of the Office of Science and  
21 Technology Policy, in carrying out the purposes of the Na-  
22 tional Science and Technology Policy, Organization, and  
23 Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of  
24 passenger motor vehicles, and services as authorized by  
25 section 3109 of title 5, United States Code, not to exceed

1 \$2,250 for official reception and representation expenses,  
 2 and rental of conference rooms in the District of Colum-  
 3 bia, \$5,544,000.

4 NATIONAL SPACE COUNCIL

5 For necessary expenses of the National Space Coun-  
 6 cil, in carrying out the purposes of Title V of Public Law  
 7 100-685 and Executive Order 13803, hire of passenger  
 8 motor vehicles, and services as authorized by section 3109  
 9 of title 5, United States Code, not to exceed \$2,250 for  
 10 official reception and representation expenses,  
 11 \$1,965,000: *Provided*, That notwithstanding any other  
 12 provision of law, the National Space Council may accept  
 13 personnel support from Federal agencies, departments,  
 14 and offices, and such Federal agencies, departments, and  
 15 offices may detail staff without reimbursement to the Na-  
 16 tional Space Council for purposes provided herein.

17 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
 18 SCIENCE

19 For necessary expenses, not otherwise provided for,  
 20 in the conduct and support of science research and devel-  
 21 opment activities, including research, development, oper-  
 22 ations, support, and services; maintenance and repair, fa-  
 23 cility planning and design; space flight, spacecraft control,  
 24 and communications activities; program management; per-  
 25 sonnel and related costs, including uniforms or allowances

1 therefor, as authorized by sections 5901 and 5902 of title  
2 5, United States Code; travel expenses; purchase and hire  
3 of passenger motor vehicles; and purchase, lease, charter,  
4 maintenance, and operation of mission and administrative  
5 aircraft, \$7,097,500,000, to remain available until Sep-  
6 tember 30, 2022: *Provided*, That, \$2,021,800,000 shall be  
7 for Earth Science; \$2,713,400,000 shall be for Planetary  
8 Science; \$1,306,200,000 shall be for Astrophysics;  
9 \$423,000,000 shall be for the James Webb Space Tele-  
10 scope; and \$633,100,000 shall be for Heliophysics: *Pro-*  
11 *vided further*, That of the amounts provided,  
12 \$403,500,000 is for an orbiter to meet the science goals  
13 for the Jupiter Europa mission as recommended in pre-  
14 vious Planetary Science Decadal surveys: *Provided further*,  
15 That the National Aeronautics and Space Administration  
16 shall use the Space Launch System, if available, as the  
17 launch vehicles for the Jupiter Europa missions, plan for  
18 an orbiter launch no later than 2025 and a lander launch  
19 no later than 2027, and include in the fiscal year 2022  
20 budget the 5-year funding profile necessary to achieve  
21 these goals.

22 AERONAUTICS

23 For necessary expenses, not otherwise provided for,  
24 in the conduct and support of aeronautics research and  
25 development activities, including research, development,



1 operations, support, and services; maintenance and repair,  
2 facility planning and design; space flight, spacecraft con-  
3 trol, and communications activities; program manage-  
4 ment; personnel and related costs, including uniforms or  
5 allowances therefor, as authorized by sections 5901 and  
6 5902 of title 5, United States Code; travel expenses; pur-  
7 chase and hire of passenger motor vehicles; and purchase,  
8 lease, charter, maintenance, and operation of mission and  
9 administrative aircraft, \$819,000,000, to remain available  
10 until September 30, 2022.

11 SPACE TECHNOLOGY

12 For necessary expenses, not otherwise provided for,  
13 in the conduct and support of space technology research  
14 and development activities, including research, develop-  
15 ment, operations, support, and services; maintenance and  
16 repair, facility planning and design; space flight, space-  
17 craft control, and communications activities; program  
18 management; personnel and related costs, including uni-  
19 forms or allowances therefor, as authorized by sections  
20 5901 and 5902 of title 5, United States Code; travel ex-  
21 penses; purchase and hire of passenger motor vehicles; and  
22 purchase, lease, charter, maintenance, and operation of  
23 mission and administrative aircraft, \$1,100,000,000, to  
24 remain available until September 30, 2022: *Provided,*  
25 That \$227,000,000 shall be for RESTORE-L/SPace In-

1 frastructure DExterous Robot: *Provided further*, That  
2 \$110,000,000 shall be for the development, production  
3 and demonstration of a nuclear thermal propulsion sys-  
4 tem, of which \$80,000,000 shall be for the design of a  
5 flight demonstration system: *Provided further*, That, not  
6 later than 180 days after the enactment of this Act, the  
7 National Aeronautics and Space Administration shall pro-  
8 vide a plan for the design of a flight demonstration.

9 EXPLORATION

10 For necessary expenses, not otherwise provided for,  
11 in the conduct and support of exploration research and  
12 development activities, including research, development,  
13 operations, support, and services; maintenance and repair,  
14 facility planning and design; space flight, spacecraft con-  
15 trol, and communications activities; program manage-  
16 ment; personnel and related costs, including uniforms or  
17 allowances therefor, as authorized by sections 5901 and  
18 5902 of title 5, United States Code; travel expenses; pur-  
19 chase and hire of passenger motor vehicles; and purchase,  
20 lease, charter, maintenance, and operation of mission and  
21 administrative aircraft, \$6,017,600,000, to remain avail-  
22 able until September 30, 2022: *Provided*, That not less  
23 than \$1,400,500,000 shall be for the Orion Multi-Purpose  
24 Crew Vehicle: *Provided further*, That not less than  
25 \$2,600,000,000 shall be for the Space Launch System

1 (SLS) launch vehicle, which shall have a lift capability not  
2 less than 130 metric tons and which shall have core ele-  
3 ments and an Exploration Upper Stage developed simulta-  
4 neously to be used to the maximum extent practicable, in-  
5 cluding for Earth to Moon missions and Moon landings:  
6 *Provided further*, That of the amounts provided for SLS,  
7 not less than \$400,000,000 shall be for SLS Block 1B  
8 development including the Exploration Upper Stage and  
9 associated systems including related facilitization: *Pro-*  
10 *vided further*, That \$459,700,000 shall be for Exploration  
11 Ground Systems including infrastructure in support of  
12 SLS Block 1B missions: *Provided further*, That the Na-  
13 tional Aeronautics and Space Administration shall provide  
14 to the Committees on Appropriations of the House of Rep-  
15 resentatives and the Senate, concurrent with the annual  
16 budget submission, a 5-year budget profile for an inte-  
17 grated system that includes the SLS, the Orion Multi-Pur-  
18 pose Crew Vehicle, and associated ground systems that  
19 will ensure a crewed launch as early as possible, as well  
20 as a system-based funding profile for a sustained launch  
21 cadence that contemplates the use of an SLS Block 1B  
22 cargo variant and associated ground systems: *Provided*  
23 *further*, That \$1,557,400,000 shall be for exploration re-  
24 search and development.

## 1 SPACE OPERATIONS

2 For necessary expenses, not otherwise provided for,  
3 in the conduct and support of space operations research  
4 and development activities, including research, develop-  
5 ment, operations, support and services; space flight, space-  
6 craft control and communications activities, including op-  
7 erations, production, and services; maintenance and re-  
8 pair, facility planning and design; program management;  
9 personnel and related costs, including uniforms or allow-  
10 ances therefor, as authorized by sections 5901 and 5902  
11 of title 5, United States Code; travel expenses; purchase  
12 and hire of passenger motor vehicles; and purchase, lease,  
13 charter, maintenance and operation of mission and admin-  
14 istrative aircraft, \$4,052,200,000, to remain available  
15 until September 30, 2022.

16 SCIENCE, TECHNOLOGY, ENGINEERING, AND  
17 MATHEMATICS ENGAGEMENT

18 For necessary expenses, not otherwise provided for,  
19 in the conduct and support of aerospace and aeronautical  
20 education research and development activities, including  
21 research, development, operations, support, and services;  
22 program management; personnel and related costs, includ-  
23 ing uniforms or allowances therefor, as authorized by sec-  
24 tions 5901 and 5902 of title 5, United States Code; travel  
25 expenses; purchase and hire of passenger motor vehicles;

1 and purchase, lease, charter, maintenance, and operation  
2 of mission and administrative aircraft, \$126,000,000, to  
3 remain available until September 30, 2022, of which  
4 \$26,000,000 shall be for the Established Program to  
5 Stimulate Competitive Research and \$50,000,000 shall be  
6 for the National Space Grant College and Fellowship Pro-  
7 gram.

8 SAFETY, SECURITY AND MISSION SERVICES

9 For necessary expenses, not otherwise provided for,  
10 in the conduct and support of science, aeronautics, space  
11 technology, exploration, space operations and education  
12 research and development activities, including research,  
13 development, operations, support, and services; mainte-  
14 nance and repair, facility planning and design; space  
15 flight, spacecraft control, and communications activities;  
16 program management; personnel and related costs, includ-  
17 ing uniforms or allowances therefor, as authorized by sec-  
18 tions 5901 and 5902 of title 5, United States Code; travel  
19 expenses; purchase and hire of passenger motor vehicles;  
20 not to exceed \$63,000 for official reception and represen-  
21 tation expenses; and purchase, lease, charter, mainte-  
22 nance, and operation of mission and administrative air-  
23 craft, \$2,953,400,000, to remain available until Sep-  
24 tember 30, 2022: *Provided*, That if available balances in  
25 the “Science, Space, and Technology Education Trust

1 Fund” are not sufficient to provide for the grant disburse-  
 2 ments required under the third and fourth provisos under  
 3 such heading in the Department of Housing and Urban  
 4 Development-Independent Agencies Appropriations Act,  
 5 1989, (Public Law 100-404), as amended by the Depart-  
 6 ments of Veterans Affairs and Housing and Urban Devel-  
 7 opment, and Independent Agencies Appropriations Act,  
 8 1995, (Public Law 103-327), up to \$1,000,000 shall be  
 9 available from amounts made available under this heading  
 10 to make such grant disbursements.

11 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND  
 12 RESTORATION

13 For necessary expenses for construction of facilities  
 14 including repair, rehabilitation, revitalization, and modi-  
 15 fication of facilities, construction of new facilities and ad-  
 16 ditions to existing facilities, facility planning and design,  
 17 and restoration, and acquisition or condemnation of real  
 18 property, as authorized by law, and environmental compli-  
 19 ance and restoration, \$419,100,000, to remain available  
 20 until September 30, 2026: *Provided*, That proceeds from  
 21 leases deposited into this account shall be available for a  
 22 period of 5 years to the extent and in amounts as provided  
 23 in annual appropriations Acts: *Provided further*, That such  
 24 proceeds referred to in the preceding proviso shall be avail-  
 25 able for obligation for fiscal year 2021 in an amount not

1 to exceed \$18,700,000: *Provided further*, That each an-  
 2 nual budget request shall include an annual estimate of  
 3 gross receipts and collections and proposed use of all funds  
 4 collected pursuant to section 20145 of title 51, United  
 5 States Code.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector  
 8 General in carrying out the Inspector General Act of 1978,  
 9 \$44,200,000, of which \$500,000 shall remain available  
 10 until September 30, 2022.

11 ADMINISTRATIVE PROVISIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 Funds for any announced prize otherwise authorized  
 14 shall remain available, without fiscal year limitation, until  
 15 a prize is claimed or the offer is withdrawn.

16 Not to exceed 5 percent of any appropriation made  
 17 available for the current fiscal year for the National Aero-  
 18 nautics and Space Administration in this Act may be  
 19 transferred between such appropriations, but no such ap-  
 20 propriation, except as otherwise specifically provided, shall  
 21 be increased by more than 10 percent by any such trans-  
 22 fers. Any funds transferred to “Construction and Environ-  
 23 mental Compliance and Restoration” for construction ac-  
 24 tivities shall not increase that account by more than 20  
 25 percent. Balances so transferred shall be merged with and

1 available for the same purposes and the same time period  
2 as the appropriations to which transferred. Any transfer  
3 pursuant to this provision shall be treated as a reprogram-  
4 ming of funds under section 505 of this Act and shall not  
5 be available for obligation except in compliance with the  
6 procedures set forth in that section.

7 Not to exceed 5 percent of any appropriation pro-  
8 vided for the National Aeronautics and Space Administra-  
9 tion under previous appropriations Acts that remains  
10 available for obligation or expenditure in fiscal year 2021  
11 may be transferred between such appropriations, but no  
12 such appropriation, except as otherwise specifically pro-  
13 vided, shall be increased by more than 10 percent by any  
14 such transfers. Any transfer pursuant to this provision  
15 shall retain its original availability and shall be treated  
16 as a reprogramming of funds under section 505 of this  
17 Act and shall not be available for obligation except in com-  
18 pliance with the procedures set forth in that section.

19 The spending plan required by this Act shall be pro-  
20 vided by NASA at the theme, program, project and activ-  
21 ity level. The spending plan, as well as any subsequent  
22 change of an amount established in that spending plan  
23 that meets the notification requirements of section 505 of  
24 this Act, shall be treated as a reprogramming under sec-  
25 tion 505 of this Act and shall not be available for obliga-



1 tion or expenditure except in compliance with the proce-  
 2 dures set forth in that section.

3 Not more than 40 percent of the amounts made avail-  
 4 able in this Act for the Gateway; Advanced Cislunar and  
 5 Surface Capabilities; Commercial LEO Development;  
 6 Human Landing System; and Lunar Discovery and Explo-  
 7 ration, excluding the Lunar Reconnaissance Orbiter, may  
 8 be obligated until the Administrator submits a multi-year  
 9 plan to the Committees on Appropriations of the House  
 10 of Representatives and the Senate that identifies esti-  
 11 mated dates, by fiscal year, for Space Launch System  
 12 flights to build the Gateway; the commencement of part-  
 13 nerships with commercial entities for additional LEO mis-  
 14 sions to land humans and rovers on the Moon; and con-  
 15 ducting additional scientific activities on the Moon. The  
 16 multi-year plan shall include key milestones to be met by  
 17 fiscal year to achieve goals for each of the lunar programs  
 18 described in the previous sentence and funding required  
 19 by fiscal year to achieve such milestones.

20 NATIONAL SCIENCE FOUNDATION

21 RESEARCH AND RELATED ACTIVITIES

22 For necessary expenses in carrying out the National  
 23 Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),  
 24 and Public Law 86–209 (42 U.S.C. 1880 et seq.); services  
 25 as authorized by section 3109 of title 5, United States

1 Code; maintenance and operation of aircraft and purchase  
2 of flight services for research support; acquisition of air-  
3 craft; and authorized travel; \$6,967,123,000, to remain  
4 available until September 30, 2022, of which not to exceed  
5 \$544,000,000 shall remain available until expended for  
6 polar research and operations support, and for reimburse-  
7 ment to other Federal agencies for operational and science  
8 support and logistical and other related activities for the  
9 United States Antarctic program: *Provided*, That receipts  
10 for scientific support services and materials furnished by  
11 the National Research Centers and other National Science  
12 Foundation supported research facilities may be credited  
13 to this appropriation.

14 MAJOR RESEARCH EQUIPMENT AND FACILITIES

15 CONSTRUCTION

16 For necessary expenses for the acquisition, construc-  
17 tion, commissioning, and upgrading of major research  
18 equipment, facilities, and other such capital assets pursu-  
19 ant to the National Science Foundation Act of 1950 (42  
20 U.S.C. 1861 et seq.), including authorized travel,  
21 \$243,230,000, to remain available until expended.

22 EDUCATION AND HUMAN RESOURCES

23 For necessary expenses in carrying out science, math-  
24 ematics and engineering education and human resources  
25 programs and activities pursuant to the National Science

1 Foundation Act of 1950 (42 U.S.C. 1861 et seq.), includ-  
2 ing services as authorized by section 3109 of title 5,  
3 United States Code, authorized travel, and rental of con-  
4 ference rooms in the District of Columbia, \$970,000,000,  
5 to remain available until September 30, 2022.

6 AGENCY OPERATIONS AND AWARD MANAGEMENT

7 For agency operations and award management nec-  
8 essary in carrying out the National Science Foundation  
9 Act of 1950 (42 U.S.C. 1861 et seq.); services authorized  
10 by section 3109 of title 5, United States Code; hire of pas-  
11 senger motor vehicles; uniforms or allowances therefor, as  
12 authorized by sections 5901 and 5902 of title 5, United  
13 States Code; rental of conference rooms in the District of  
14 Columbia; and reimbursement of the Department of  
15 Homeland Security for security guard services;  
16 \$345,640,000: *Provided*, That not to exceed \$8,280 is for  
17 official reception and representation expenses: *Provided*  
18 *further*, That contracts may be entered into under this  
19 heading in fiscal year 2021 for maintenance and operation  
20 of facilities and for other services to be provided during  
21 the next fiscal year.

22 OFFICE OF THE NATIONAL SCIENCE BOARD

23 For necessary expenses (including payment of sala-  
24 ries, authorized travel, hire of passenger motor vehicles,  
25 the rental of conference rooms in the District of Columbia,

1 and the employment of experts and consultants under sec-  
 2 tion 3109 of title 5, United States Code) involved in car-  
 3 rying out section 4 of the National Science Foundation  
 4 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209  
 5 (42 U.S.C. 1880 et seq.), \$4,500,000: *Provided*, That not  
 6 to exceed \$2,500 shall be available for official reception  
 7 and representation expenses.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector  
 10 General as authorized by the Inspector General Act of  
 11 1978, \$17,850,000, of which \$400,000 shall remain avail-  
 12 able until September 30, 2022.

13 ADMINISTRATIVE PROVISIONS

14 (INCLUDING TRANSFER OF FUNDS)

15 Not to exceed 5 percent of any appropriation made  
 16 available for the current fiscal year for the National  
 17 Science Foundation in this Act may be transferred be-  
 18 tween such appropriations, but no such appropriation shall  
 19 be increased by more than 10 percent by any such trans-  
 20 fers. Any transfer pursuant to this paragraph shall be  
 21 treated as a reprogramming of funds under section 505  
 22 of this Act and shall not be available for obligation except  
 23 in compliance with the procedures set forth in that section.

24 The Director of the National Science Foundation  
 25 (NSF) shall notify the Committees on Appropriations of

1 the House of Representatives and the Senate at least 30  
 2 days in advance of any planned divestment through trans-  
 3 fer, decommissioning, termination, or deconstruction of  
 4 any NSF-owned facilities or any NSF capital assets (in-  
 5 cluding land, structures, and equipment) valued greater  
 6 than \$2,500,000.

7 This title may be cited as the “Science Appropria-  
 8 tions Act, 2021”.

#### 9 TITLE IV

#### 10 RELATED AGENCIES

#### 11 COMMISSION ON CIVIL RIGHTS

#### 12 SALARIES AND EXPENSES

13 For necessary expenses of the Commission on Civil  
 14 Rights, including hire of passenger motor vehicles,  
 15 \$12,000,000: *Provided*, That none of the funds appro-  
 16 priated in this paragraph may be used to employ any indi-  
 17 viduals under Schedule C of subpart C of part 213 of title  
 18 5 of the Code of Federal Regulations exclusive of one spe-  
 19 cial assistant for each Commissioner: *Provided further*,  
 20 That none of the funds appropriated in this paragraph  
 21 shall be used to reimburse Commissioners for more than  
 22 75 billable days, with the exception of the chairperson,  
 23 who is permitted 125 billable days: *Provided further*, That  
 24 the Chair may accept and use any gift or donation to carry  
 25 out the work of the Commission: *Provided further*, That



1 *Provided further*, That the Commission may take no action  
2 to implement any workforce repositioning, restructuring,  
3 or reorganization until such time as the Committees on  
4 Appropriations of the House of Representatives and the  
5 Senate have been notified of such proposals, in accordance  
6 with the reprogramming requirements of section 505 of  
7 this Act: *Provided further*, That the Chair may accept and  
8 use any gift or donation to carry out the work of the Com-  
9 mission.

10 INTERNATIONAL TRADE COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the International Trade  
13 Commission, including hire of passenger motor vehicles  
14 and services as authorized by section 3109 of title 5,  
15 United States Code, and not to exceed \$2,250 for official  
16 reception and representation expenses, \$105,000,000, to  
17 remain available until expended.

18 LEGAL SERVICES CORPORATION

19 PAYMENT TO THE LEGAL SERVICES CORPORATION

20 For payment to the Legal Services Corporation to  
21 carry out the purposes of the Legal Services Corporation  
22 Act of 1974, \$465,000,000, of which \$423,400,000 is for  
23 basic field programs and required independent audits;  
24 \$5,600,000 is for the Office of Inspector General, of which  
25 such amounts as may be necessary may be used to conduct

1 additional audits of recipients; \$24,000,000 is for manage-  
2 ment and grants oversight; \$5,000,000 is for client self-  
3 help and information technology; \$5,000,000 is for a Pro  
4 Bono Innovation Fund; and \$2,000,000 is for loan repay-  
5 ment assistance: *Provided*, That the Legal Services Cor-  
6 poration may continue to provide locality pay to officers  
7 and employees at a rate no greater than that provided by  
8 the Federal Government to Washington, DC-based em-  
9 ployees as authorized by section 5304 of title 5, United  
10 States Code, notwithstanding section 1005(d) of the Legal  
11 Services Corporation Act (42 U.S.C. 2996d(d)): *Provided*  
12 *further*, That not to exceed 5 percent of any appropriation  
13 made available for the current fiscal year for the Legal  
14 Services Corporation in this Act may be transferred be-  
15 tween such appropriations, but no such appropriation shall  
16 be increased by more than 10 percent by any such trans-  
17 fers: *Provided further*, That any transfer pursuant to the  
18 preceding proviso shall be treated as a reprogramming of  
19 funds under section 505 of this Act and shall not be avail-  
20 able for obligation or expenditure except in compliance  
21 with the procedures set forth in that section: *Provided fur-*  
22 *ther*, That, for the purposes of section 505 of this Act,  
23 the Legal Services Corporation shall be considered an  
24 agency of the United States Government.



1 ADMINISTRATIVE PROVISION—LEGAL SERVICES  
2 CORPORATION

3 None of the funds appropriated in this Act to the  
4 Legal Services Corporation shall be expended for any pur-  
5 pose prohibited or limited by, or contrary to any of the  
6 provisions of, sections 501, 502, 503, 504, 505, and 506  
7 of Public Law 105–119, and all funds appropriated in this  
8 Act to the Legal Services Corporation shall be subject to  
9 the same terms and conditions set forth in such sections,  
10 except that all references in sections 502 and 503 to 1997  
11 and 1998 shall be deemed to refer instead to 2020 and  
12 2021, respectively.

13 MARINE MAMMAL COMMISSION  
14 SALARIES AND EXPENSES

15 For necessary expenses of the Marine Mammal Com-  
16 mission as authorized by title II of the Marine Mammal  
17 Protection Act of 1972 (16 U.S.C. 1361 et seq.),  
18 \$3,769,000.

19 OFFICE OF THE UNITED STATES TRADE  
20 REPRESENTATIVE  
21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of the United  
23 States Trade Representative, including the hire of pas-  
24 senger motor vehicles and the employment of experts and  
25 consultants as authorized by section 3109 of title 5,

1 United States Code, \$55,000,000, of which \$1,000,000  
 2 shall remain available until expended: *Provided*, That of  
 3 the total amount made available under this heading, not  
 4 to exceed \$124,000 shall be available for official reception  
 5 and representation expenses.

6 TRADE ENFORCEMENT TRUST FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For activities of the United States Trade Representa-  
 9 tive authorized by section 611 of the Trade Facilitation  
 10 and Trade Enforcement Act of 2015 (19 U.S.C. 4405),  
 11 including transfers, \$15,000,000, to be derived from the  
 12 Trade Enforcement Trust Fund: *Provided*, That any  
 13 transfer pursuant to subsection (d)(1) of such section shall  
 14 be treated as a reprogramming under section 505 of this  
 15 Act.

16 STATE JUSTICE INSTITUTE

17 SALARIES AND EXPENSES

18 For necessary expenses of the State Justice Institute,  
 19 as authorized by the State Justice Institute Act of 1984  
 20 (42 U.S.C. 10701 et seq.) \$7,700,000, of which \$500,000  
 21 shall remain available until September 30, 2022: *Provided*,  
 22 That not to exceed \$2,250 shall be available for official  
 23 reception and representation expenses: *Provided further*,  
 24 That, for the purposes of section 505 of this Act, the State

1 Justice Institute shall be considered an agency of the  
2 United States Government.

3 TITLE V

4 GENERAL PROVISIONS

5 (INCLUDING RESCISSIONS)

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 501. No part of any appropriation contained in  
8 this Act shall be used for publicity or propaganda purposes  
9 not authorized by the Congress.

10 SEC. 502. No part of any appropriation contained in  
11 this Act shall remain available for obligation beyond the  
12 current fiscal year unless expressly so provided herein.

13 SEC. 503. The expenditure of any appropriation  
14 under this Act for any consulting service through procure-  
15 ment contract, pursuant to section 3109 of title 5, United  
16 States Code, shall be limited to those contracts where such  
17 expenditures are a matter of public record and available  
18 for public inspection, except where otherwise provided  
19 under existing law, or under existing Executive order  
20 issued pursuant to existing law.

21 SEC. 504. If any provision of this Act or the applica-  
22 tion of such provision to any person or circumstances shall  
23 be held invalid, the remainder of the Act and the applica-  
24 tion of each provision to persons or circumstances other

1 than those as to which it is held invalid shall not be af-  
2 fected thereby.

3       SEC. 505. None of the funds provided under this Act,  
4 or provided under previous appropriations Acts to the  
5 agencies funded by this Act that remain available for obli-  
6 gation or expenditure in fiscal year 2021, or provided from  
7 any accounts in the Treasury of the United States derived  
8 by the collection of fees available to the agencies funded  
9 by this Act, shall be available for obligation or expenditure  
10 through a reprogramming of funds that: (1) creates or ini-  
11 tiates a new program, project, or activity; (2) eliminates  
12 a program, project, or activity; (3) increases funds or per-  
13 sonnel by any means for any project or activity for which  
14 funds have been denied or restricted; (4) relocates an of-  
15 fice or employees; (5) reorganizes or renames offices, pro-  
16 grams, or activities; (6) contracts out or privatizes any  
17 functions or activities presently performed by Federal em-  
18 ployees; (7) augments existing programs, projects, or ac-  
19 tivities in excess of \$500,000 or 10 percent, whichever is  
20 less, or reduces by 10 percent funding for any program,  
21 project, or activity, or numbers of personnel by 10 percent;  
22 or (8) results from any general savings, including savings  
23 from a reduction in personnel, which would result in a  
24 change in existing programs, projects, or activities as ap-  
25 proved by Congress; unless the House and Senate Com-

1 mittees on Appropriations are notified 15 days in advance  
2 of such reprogramming of funds.

3       SEC. 506. (a) If it has been finally determined by  
4 a court or Federal agency that any person intentionally  
5 affixed a label bearing a “Made in America” inscription,  
6 or any inscription with the same meaning, to any product  
7 sold in or shipped to the United States that is not made  
8 in the United States, the person shall be ineligible to re-  
9 ceive any contract or subcontract made with funds made  
10 available in this Act, pursuant to the debarment, suspen-  
11 sion, and ineligibility procedures described in sections  
12 9.400 through 9.409 of title 48, Code of Federal Regula-  
13 tions.

14       (b)(1) To the extent practicable, with respect to au-  
15 thorized purchases of promotional items, funds made  
16 available by this Act shall be used to purchase items that  
17 are manufactured, produced, or assembled in the United  
18 States, its territories or possessions.

19       (2) The term “promotional items” has the meaning  
20 given the term in OMB Circular A–87, Attachment B,  
21 Item (1)(f)(3).

22       SEC. 507. (a) The Departments of Commerce and  
23 Justice, the National Science Foundation, and the Na-  
24 tional Aeronautics and Space Administration shall provide  
25 to the Committees on Appropriations of the House of Rep-

1 representatives and the Senate a quarterly report on the sta-  
2 tus of balances of appropriations at the account level. For  
3 unobligated, uncommitted balances and unobligated, com-  
4 mitted balances the quarterly reports shall separately  
5 identify the amounts attributable to each source year of  
6 appropriation from which the balances were derived. For  
7 balances that are obligated, but unexpended, the quarterly  
8 reports shall separately identify amounts by the year of  
9 obligation.

10 (b) The report described in subsection (a) shall be  
11 submitted within 30 days of the end of each quarter.

12 (c) If a department or agency is unable to fulfill any  
13 aspect of a reporting requirement described in subsection  
14 (a) due to a limitation of a current accounting system,  
15 the department or agency shall fulfill such aspect to the  
16 maximum extent practicable under such accounting sys-  
17 tem and shall identify and describe in each quarterly re-  
18 port the extent to which such aspect is not fulfilled.

19 SEC. 508. Any costs incurred by a department or  
20 agency funded under this Act resulting from, or to pre-  
21 vent, personnel actions taken in response to funding re-  
22 ductions included in this Act shall be absorbed within the  
23 total budgetary resources available to such department or  
24 agency: *Provided*, That the authority to transfer funds be-  
25 tween appropriations accounts as may be necessary to

1 carry out this section is provided in addition to authorities  
2 included elsewhere in this Act: *Provided further*, That use  
3 of funds to carry out this section shall be treated as a  
4 reprogramming of funds under section 505 of this Act and  
5 shall not be available for obligation or expenditure except  
6 in compliance with the procedures set forth in that section:  
7 *Provided further*, That for the Department of Commerce,  
8 this section shall also apply to actions taken for the care  
9 and protection of loan collateral or grant property.

10 SEC. 509. None of the funds provided by this Act  
11 shall be available to promote the sale or export of tobacco  
12 or tobacco products, or to seek the reduction or removal  
13 by any foreign country of restrictions on the marketing  
14 of tobacco or tobacco products, except for restrictions  
15 which are not applied equally to all tobacco or tobacco  
16 products of the same type.

17 SEC. 510. Notwithstanding any other provision of  
18 law, amounts deposited or available in the Fund estab-  
19 lished by section 1402 of chapter XIV of title II of Public  
20 Law 98-473 (34 U.S.C. 20101) in any fiscal year in ex-  
21 cess of \$2,650,000,000 shall not be available for obligation  
22 until the following fiscal year: *Provided*, That notwith-  
23 standing section 1402(d) of such Act, of the amounts  
24 available from the Fund for obligation: (1) \$10,000,000  
25 shall be transferred to the Department of Justice Office

1 of Inspector General and remain available until expended  
2 for crime victim-related oversight and auditing purposes;  
3 and (2) 5 percent shall be available to the Office for Vic-  
4 tims of Crime for grants, consistent with the requirements  
5 of the Victims of Crime Act, to Indian tribes to improve  
6 services for victims of crime.

7       SEC. 511. None of the funds made available to the  
8 Department of Justice in this Act may be used to discrimi-  
9 nate against or denigrate the religious or moral beliefs of  
10 students who participate in programs for which financial  
11 assistance is provided from those funds, or of the parents  
12 or legal guardians of such students.

13       SEC. 512. None of the funds made available in this  
14 Act may be transferred to any department, agency, or in-  
15 strumentality of the United States Government, except  
16 pursuant to a transfer made by, or transfer authority pro-  
17 vided in, this Act or any other appropriations Act.

18       SEC. 513. (a) The Inspectors General of the Depart-  
19 ment of Commerce, the Department of Justice, the Na-  
20 tional Aeronautics and Space Administration, the Na-  
21 tional Science Foundation, and the Legal Services Cor-  
22 poration shall conduct audits, pursuant to the Inspector  
23 General Act (5 U.S.C. App.), of grants or contracts for  
24 which funds are appropriated by this Act, and shall submit  
25 reports to Congress on the progress of such audits, which



1 may include preliminary findings and a description of  
2 areas of particular interest, within 180 days after initi-  
3 ating such an audit and every 180 days thereafter until  
4 any such audit is completed.

5 (b) Within 60 days after the date on which an audit  
6 described in subsection (a) by an Inspector General is  
7 completed, the Secretary, Attorney General, Adminis-  
8 trator, Director, or President, as appropriate, shall make  
9 the results of the audit available to the public on the Inter-  
10 net website maintained by the Department, Administra-  
11 tion, Foundation, or Corporation, respectively. The results  
12 shall be made available in redacted form to exclude—

13 (1) any matter described in section 552(b) of  
14 title 5, United States Code; and

15 (2) sensitive personal information for any indi-  
16 vidual, the public access to which could be used to  
17 commit identity theft or for other inappropriate or  
18 unlawful purposes.

19 (c) Any person awarded a grant or contract funded  
20 by amounts appropriated by this Act shall submit a state-  
21 ment to the Secretary of Commerce, the Attorney General,  
22 the Administrator, Director, or President, as appropriate,  
23 certifying that no funds derived from the grant or contract  
24 will be made available through a subcontract or in any

1 other manner to another person who has a financial inter-  
2 est in the person awarded the grant or contract.

3 (d) The provisions of the preceding subsections of  
4 this section shall take effect 30 days after the date on  
5 which the Director of the Office of Management and  
6 Budget, in consultation with the Director of the Office of  
7 Government Ethics, determines that a uniform set of rules  
8 and requirements, substantially similar to the require-  
9 ments in such subsections, consistently apply under the  
10 executive branch ethics program to all Federal depart-  
11 ments, agencies, and entities.

12 SEC. 514. (a) None of the funds appropriated or oth-  
13 erwise made available under this Act may be used by the  
14 Departments of Commerce and Justice, the National Aer-  
15 onautics and Space Administration, or the National  
16 Science Foundation to acquire a high-impact or moderate-  
17 impact information system, as defined for security cat-  
18 egorization in the National Institute of Standards and  
19 Technology's (NIST) Federal Information Processing  
20 Standard Publication 199, "Standards for Security Cat-  
21 egorization of Federal Information and Information Sys-  
22 tems" unless the agency has—

23 (1) reviewed the supply chain risk for the infor-  
24 mation systems against criteria developed by NIST  
25 and the Federal Bureau of Investigation (FBI) to

1 inform acquisition decisions for high-impact and  
2 moderate-impact information systems within the  
3 Federal Government;

4 (2) reviewed the supply chain risk from the pre-  
5 sumptive awardee against available and relevant  
6 threat information provided by the FBI and other  
7 appropriate agencies; and

8 (3) in consultation with the FBI or other ap-  
9 propriate Federal entity, conducted an assessment of  
10 any risk of cyber-espionage or sabotage associated  
11 with the acquisition of such system, including any  
12 risk associated with such system being produced,  
13 manufactured, or assembled by one or more entities  
14 identified by the United States Government as pos-  
15 ing a cyber threat, including but not limited to,  
16 those that may be owned, directed, or subsidized by  
17 the People's Republic of China, the Islamic Republic  
18 of Iran, the Democratic People's Republic of Korea,  
19 or the Russian Federation.

20 (b) None of the funds appropriated or otherwise  
21 made available under this Act may be used to acquire a  
22 high-impact or moderate-impact information system re-  
23 viewed and assessed under subsection (a) unless the head  
24 of the assessing entity described in subsection (a) has—

1 (1) developed, in consultation with NIST, the  
2 FBI, and supply chain risk management experts, a  
3 mitigation strategy for any identified risks;

4 (2) determined, in consultation with NIST and  
5 the FBI, that the acquisition of such system is in  
6 the national interest of the United States; and

7 (3) reported that determination to the Commit-  
8 tees on Appropriations of the House of Representa-  
9 tives and the Senate and the agency Inspector Gen-  
10 eral.

11 SEC. 515. None of the funds made available in this  
12 Act shall be used in any way whatsoever to support or  
13 justify the use of torture by any official or contract em-  
14 ployee of the United States Government.

15 SEC. 516. None of the funds made available in this  
16 Act may be used to include in any new bilateral or multi-  
17 lateral trade agreement the text of—

18 (1) paragraph 2 of article 16.7 of the United  
19 States–Singapore Free Trade Agreement;

20 (2) paragraph 4 of article 17.9 of the United  
21 States–Australia Free Trade Agreement; or

22 (3) paragraph 4 of article 15.9 of the United  
23 States–Morocco Free Trade Agreement.

24 SEC. 517. None of the funds made available in this  
25 Act may be used to authorize or issue a national security

1 letter in contravention of any of the following laws author-  
2 izing the Federal Bureau of Investigation to issue national  
3 security letters: The Right to Financial Privacy Act of  
4 1978; The Electronic Communications Privacy Act of  
5 1986; The Fair Credit Reporting Act; The National Secu-  
6 rity Act of 1947; USA PATRIOT Act; USA FREEDOM  
7 Act of 2015; and the laws amended by these Acts.

8       SEC. 518. If at any time during any quarter, the pro-  
9 gram manager of a project within the jurisdiction of the  
10 Departments of Commerce or Justice, the National Aero-  
11 nautics and Space Administration, or the National Science  
12 Foundation totaling more than \$75,000,000 has reason-  
13 able cause to believe that the total program cost has in-  
14 creased by 10 percent or more, the program manager shall  
15 immediately inform the respective Secretary, Adminis-  
16 trator, or Director. The Secretary, Administrator, or Di-  
17 rector shall notify the House and Senate Committees on  
18 Appropriations within 30 days in writing of such increase,  
19 and shall include in such notice: the date on which such  
20 determination was made; a statement of the reasons for  
21 such increases; the action taken and proposed to be taken  
22 to control future cost growth of the project; changes made  
23 in the performance or schedule milestones and the degree  
24 to which such changes have contributed to the increase  
25 in total program costs or procurement costs; new esti-

1 mates of the total project or procurement costs; and a  
2 statement validating that the project's management struc-  
3 ture is adequate to control total project or procurement  
4 costs.

5       SEC. 519. Funds appropriated by this Act, or made  
6 available by the transfer of funds in this Act, for intel-  
7 ligence or intelligence related activities are deemed to be  
8 specifically authorized by the Congress for purposes of sec-  
9 tion 504 of the National Security Act of 1947 (50 U.S.C.  
10 3094) during fiscal year 2021 until the enactment of the  
11 Intelligence Authorization Act for fiscal year 2021.

12       SEC. 520. None of the funds appropriated or other-  
13 wise made available by this Act may be used to enter into  
14 a contract in an amount greater than \$5,000,000 or to  
15 award a grant in excess of such amount unless the pro-  
16 spective contractor or grantee certifies in writing to the  
17 agency awarding the contract or grant that, to the best  
18 of its knowledge and belief, the contractor or grantee has  
19 filed all Federal tax returns required during the three  
20 years preceding the certification, has not been convicted  
21 of a criminal offense under the Internal Revenue Code of  
22 1986, and has not, more than 90 days prior to certifi-  
23 cation, been notified of any unpaid Federal tax assessment  
24 for which the liability remains unsatisfied, unless the as-  
25 sessment is the subject of an installment agreement or

1 offer in compromise that has been approved by the Inter-  
2 nal Revenue Service and is not in default, or the assess-  
3 ment is the subject of a non-frivolous administrative or  
4 judicial proceeding.

5 (RESCISSIONS)

6 SEC. 521. (a) Of the unobligated balances available  
7 under the heading “National Oceanic and Atmospheric  
8 Administration, Fisheries Enforcement Asset Forfeiture  
9 Fund”, \$10,000,000 is hereby permanently rescinded, not  
10 later than September 30, 2021.

11 (b) Of the unobligated balances available to the De-  
12 partment of Justice, the following funds are hereby per-  
13 manently rescinded, not later than September 30, 2021,  
14 from the following accounts in the specified amounts—

15 (1) “Working Capital Fund”, \$75,000,000;

16 (2) “State and Local Law Enforcement Activi-  
17 ties, Office of Justice Programs”, \$70,000,000; and

18 (3) “State and Local Law Enforcement Activi-  
19 ties, Community Oriented Policing Services”,  
20 \$15,000,000.

21 (c) The Departments of Commerce and Justice shall  
22 submit to the Committees on Appropriations of the House  
23 of Representatives and the Senate a report no later than  
24 September 1, 2021, specifying the amount of each rescis-  
25 sion made pursuant to subsections (a) and (b).

1 (d) The amounts rescinded in subsections (a) and (b)  
2 shall not be from amounts that were designated by the  
3 Congress as an emergency or disaster relief requirement  
4 pursuant to the concurrent resolution on the budget or  
5 the Balanced Budget and Emergency Deficit Control Act  
6 of 1985.

7 SEC. 522. None of the funds made available in this  
8 Act may be used to purchase first class or premium airline  
9 travel in contravention of sections 301–10.122 through  
10 301–10.124 of title 41 of the Code of Federal Regulations.

11 SEC. 523. None of the funds made available in this  
12 Act may be used to send or otherwise pay for the attend-  
13 ance of more than 50 employees from a Federal depart-  
14 ment or agency, who are stationed in the United States,  
15 at any single conference occurring outside the United  
16 States unless—

17 (1) such conference is a law enforcement train-  
18 ing or operational conference for law enforcement  
19 personnel and the majority of Federal employees in  
20 attendance are law enforcement personnel stationed  
21 outside the United States; or

22 (2) such conference is a scientific conference  
23 and the department or agency head determines that  
24 such attendance is in the national interest and noti-  
25 fies the Committees on Appropriations of the House



1 of Representatives and the Senate within at least 15  
2 days of that determination and the basis for that de-  
3 termination.

4 SEC. 524. The Director of the Office of Management  
5 and Budget shall instruct any department, agency, or in-  
6 strumentality of the United States receiving funds appro-  
7 priated under this Act to track undisbursed balances in  
8 expired grant accounts and include in its annual perform-  
9 ance plan and performance and accountability reports the  
10 following:

11 (1) Details on future action the department,  
12 agency, or instrumentality will take to resolve  
13 undisbursed balances in expired grant accounts.

14 (2) The method that the department, agency, or  
15 instrumentality uses to track undisbursed balances  
16 in expired grant accounts.

17 (3) Identification of undisbursed balances in ex-  
18 pired grant accounts that may be returned to the  
19 Treasury of the United States.

20 (4) In the preceding 3 fiscal years, details on  
21 the total number of expired grant accounts with  
22 undisbursed balances (on the first day of each fiscal  
23 year) for the department, agency, or instrumentality  
24 and the total finances that have not been obligated  
25 to a specific project remaining in the accounts.

1       SEC. 525. To the extent practicable, funds made  
2 available in this Act should be used to purchase light bulbs  
3 that are “Energy Star” qualified or have the “Federal En-  
4 ergy Management Program” designation.

5       SEC. 526. (a) None of the funds made available by  
6 this Act may be used for the National Aeronautics and  
7 Space Administration (NASA), the Office of Science and  
8 Technology Policy (OSTP), or the National Space Council  
9 (NSC) to develop, design, plan, promulgate, implement,  
10 or execute a bilateral policy, program, order, or contract  
11 of any kind to participate, collaborate, or coordinate bilat-  
12 erally in any way with China or any Chinese-owned com-  
13 pany unless such activities are specifically authorized by  
14 a law enacted after the date of enactment of this Act.

15       (b) None of the funds made available by this Act may  
16 be used to effectuate the hosting of official Chinese visitors  
17 at facilities belonging to or utilized by NASA.

18       (c) The limitations described in subsections (a) and  
19 (b) shall not apply to activities which NASA, OSTP, or  
20 NSC, after consultation with the Federal Bureau of Inves-  
21 tigation, have certified—

22             (1) pose no risk of resulting in the transfer of  
23       technology, data, or other information with national  
24       security or economic security implications to China  
25       or a Chinese-owned company; and

1           (2) will not involve knowing interactions with  
2           officials who have been determined by the United  
3           States to have direct involvement with violations of  
4           human rights.

5           (d) Any certification made under subsection (c) shall  
6           be submitted to the Committees on Appropriations of the  
7           House of Representatives and the Senate, and the Federal  
8           Bureau of Investigation, no later than 30 days prior to  
9           the activity in question and shall include a description of  
10          the purpose of the activity, its agenda, its major partici-  
11          pants, and its location and timing.

12          SEC. 527. (a) None of the funds made available in  
13          this Act may be used to maintain or establish a computer  
14          network unless such network blocks the viewing,  
15          downloading, and exchanging of pornography.

16          (b) Nothing in subsection (a) shall limit the use of  
17          funds necessary for any Federal, State, tribal, or local law  
18          enforcement agency or any other entity carrying out crimi-  
19          nal investigations, prosecution, adjudication, or other law  
20          enforcement- or victim assistance-related activity.

21          SEC. 528. The Departments of Commerce and Jus-  
22          tice, the National Aeronautics and Space Administration,  
23          the National Science Foundation, the Commission on Civil  
24          Rights, the Equal Employment Opportunity Commission,  
25          the International Trade Commission, the Legal Services

1 Corporation, the Marine Mammal Commission, the Offices  
2 of Science and Technology Policy and the United States  
3 Trade Representative, the National Space Council, and  
4 the State Justice Institute shall submit spending plans,  
5 signed by the respective department or agency head, to  
6 the Committees on Appropriations of the House of Rep-  
7 resentatives and the Senate not later than 45 days after  
8 the date of enactment of this Act.

9       SEC. 529. Notwithstanding any other provision of  
10 this Act, none of the funds appropriated or otherwise  
11 made available by this Act may be used to pay award or  
12 incentive fees for contractor performance that has been  
13 judged to be below satisfactory performance or for per-  
14 formance that does not meet the basic requirements of a  
15 contract.

16       SEC. 530. None of the funds made available by this  
17 Act may be used in contravention of section 7606 (“Legit-  
18 imacy of Industrial Hemp Research”) of the Agricultural  
19 Act of 2014 (Public Law 113–79) by the Department of  
20 Justice or the Drug Enforcement Administration.

21       SEC. 531. None of the funds made available under  
22 this Act to the Department of Justice may be used, with  
23 respect to any of the States of Alabama, Alaska, Arizona,  
24 Arkansas, California, Colorado, Connecticut, Delaware,  
25 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Ken-

1 tucky, Louisiana, Maine, Maryland, Massachusetts, Michi-  
2 gan, Minnesota, Mississippi, Missouri, Montana, Nevada,  
3 New Hampshire, New Jersey, New Mexico, New York,  
4 North Carolina, North Dakota, Ohio, Oklahoma, Oregon,  
5 Pennsylvania, Rhode Island, South Carolina, Tennessee,  
6 Texas, Utah, Vermont, Virginia, Washington, West Vir-  
7 ginia, Wisconsin, and Wyoming, or with respect to the  
8 District of Columbia, the Commonwealth of the Northern  
9 Mariana Islands, the United States Virgin Islands, Guam,  
10 or Puerto Rico, to prevent any of them from implementing  
11 their own laws that authorize the use, distribution, posses-  
12 sion, or cultivation of medical marijuana.

13       SEC. 532. The Department of Commerce, the Na-  
14 tional Aeronautics and Space Administration, and the Na-  
15 tional Science Foundation shall provide a quarterly report  
16 to the Committees on Appropriations of the House of Rep-  
17 resentatives and the Senate on any official travel to China  
18 by any employee of such Department or agency, including  
19 the purpose of such travel.

20       SEC. 533. Of the amounts made available by this Act,  
21 not less than 10 percent of each total amount provided,  
22 respectively, for Public Works grants authorized by the  
23 Public Works and Economic Development Act of 1965 and  
24 grants authorized by section 27 of the Stevenson-Wydler  
25 Technology Innovation Act of 1980 (15 U.S.C. 3722) shall

1 be allocated for assistance in persistent poverty counties:  
2 *Provided*, That for purposes of this section, the term “per-  
3 sistent poverty counties” means any county that has had  
4 20 percent or more of its population living in poverty over  
5 the past 30 years, as measured by the 1990 and 2000  
6 decennial censuses and the most recent Small Area In-  
7 come and Poverty Estimates, or any territory or posses-  
8 sion of the United States.

9       SEC. 534. In determining the formulation and devel-  
10 opment costs of the James Webb Space Telescope for pur-  
11 poses of section 536 of the Commerce, Justice, Science,  
12 and Related Agencies Appropriations Act, 2020 (division  
13 B of Public Law 116-93), such costs shall not be consid-  
14 ered to include any costs directly related to preventing,  
15 preparing for, and responding to the impacts of a global  
16 pandemic health crisis.

17       SEC. 535. None of the funds made available by this  
18 Act may be used by the Bureau of the Census to use infor-  
19 mation or records received through data sharing agree-  
20 ments in contravention of existing law, including sections  
21 9 and 214 of title 13, United States Code.

22       SEC. 536. None of the funds made available by this  
23 Act may be used to relocate the Bureau of Alcohol, To-  
24 bacco, Firearms and Explosives (ATF) Canine Training  
25 Center or the ATF National Canine Division.

1       SEC. 537. (a) None of the funds made available to  
2 the Bureau of the Census in this Act or any other Act  
3 may be used to compile or produce any data product or  
4 tabulation as part of, in combination with, or in connec-  
5 tion with, the 2020 decennial census of population or any  
6 such census data produced pursuant to section 141(c) of  
7 title 13, United States Code, that is based in whole or  
8 in part on data that is not collected in such census.

9       (b) The limitation in subsection (a) shall not apply  
10 to any data product or tabulation that is required by sec-  
11 tions 141(b) or (c) of such title, that uses the same or  
12 substantially similar methodology and data sources as a  
13 decennial census data product produced by the Bureau of  
14 the Census before January 1, 2019, or that uses a meth-  
15 odology and data sources that the Bureau of the Census  
16 finalized and made public prior to January 1, 2018.

17       SEC. 538. None of the funds made available in this  
18 Act may be used to implement the Attorney General  
19 Memorandum dated November 7, 2018, entitled “Prin-  
20 ciples and Procedures for Civil Consent Decrees and Set-  
21 tlement Agreements with State and Local Governmental  
22 Entities”.

23       SEC. 539. None of the funds made available in this  
24 Act may be used to carry out or support any law enforce-  
25 ment action taken to support or control a crowd or public

1 demonstration, by any individual employed by a Federal,  
2 State, or local law enforcement agency unless such indi-  
3 vidual wears a clearly visible identification of the law en-  
4 forcement agency that vests such individual with authority  
5 to carry out or support such action.

6       SEC. 540. None of the funds made available in this  
7 or any other Act (including prior Acts and Acts other than  
8 appropriations Acts) may be used for the salaries or ex-  
9 penses of more than five political and presidential ap-  
10 pointees in the Bureau of the Census.

11       SEC. 541. None of the funds made available in this  
12 Act may be used to pay any cost to enable the Attorney  
13 General of the United States to travel more than 50 miles  
14 from the Robert F. Kennedy Department of Justice Build-  
15 ing in the District of Columbia.

16       SEC. 542. Section 510 of division B of Public Law  
17 116-93 is amended—

18       (a) by inserting “crime victim-related” after “ex-  
19 pended for”; and

20       (b) by striking “associated with this section”.

21       This Act may be cited as the “Commerce, Justice,  
22 Science, and Related Agencies Appropriations Act, 2021”.





Union Calendar No. 366

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 7667**

[Report No. 116-455]

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**A BILL**

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2021, and for other purposes.

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JULY 16, 2020

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

116TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2d Session } 116-455

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

JULY 16, 2020.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. SERRANO, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7667]

The Committee on Appropriations submits the following report in  
explanation of the accompanying bill making appropriations for  
Commerce, Justice, Science, and Related Agencies for the fiscal  
year ending September 30, 2021, and for other purposes.

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## HIGHLIGHTS OF THE BILL

The Commerce, Justice, Science, and Related Agencies Subcommittee has jurisdiction over a diverse group of agencies responsible for promoting economic development; researching climate change and mitigating its impacts; protecting civil rights; promoting criminal justice reform; combating violent crime, financial fraud, terrorism, espionage, and drug trafficking; addressing gun violence; ensuring access to justice; enforcing trade laws; conducting periodic censuses; forecasting the weather; managing fisheries; exploring space; and advancing science. The activities of these agencies impact every American and are integral to the operations of our government.

The bill provides a total of \$71,472,700,000 in discretionary budget authority for fiscal year 2021. Within the level of funds provided, the bill prioritizes funding to help reform law enforcement practices across the country and to ensure the civil rights of all Americans. The bill also prioritizes numerous public investments important for job creation, infrastructure improvements, American competitiveness, public safety, climate research and other scientific research, and improving the accuracy of weather forecasting. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included funding to prevent, prepare for, and respond to coronavirus, including \$1,886,000,000 for the Department of Commerce; \$1,007,000,000 for the Department of Justice; \$60,000,000 for the National Aeronautics and Space Administration; \$76,000,000 for the National Science Foundation; and \$50,000,000 for the Legal Services Corporation.

*Policing Reform and Racial Justice.*—The Committee takes very seriously its solemn obligation to help improve the state of policing and ensure racial justice in the United States. The appalling mistreatment of African Americans and other minorities at the hands of police officers in communities throughout the country is a long-standing epidemic that demands immediate reforms throughout the Nation, including decisive and meaningful action from this Committee. To that end, the Committee has included a number of responsible investments and reforms. The Committee’s recommendation includes the following:

- Provides \$165,998,000 for the Civil Rights Division of the Department of Justice, an increase of \$17,759,000 above fiscal year 2020. Within this amount, an increase of not less than \$10,000,000 is provided for investigations and enforcement related to the patterns and practices of police departments, including compliance with consent decrees. In addition, increases of \$10,000,000 within the appropriation for United States Attorneys and \$5,000,000 within the Federal Bureau of Investigation (FBI) are provided for this same purpose.
- Prohibits funds from being used to implement the Attorney General Memorandum dated November 7, 2018, entitled “Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities”. This memorandum puts significant limits on the ability of the Federal Government to help reform policing practices in local communities.

- Directs the Attorney General to take the lead in developing and implementing strong and uniform accreditation standards for Federal, State, and local law enforcement, based on an analysis of existing accreditation standards and methodology development by law enforcement accreditation organizations nationwide, as well as the May 2015 recommendations of the President's Task Force on 21st Century Policing.

- Prohibits Justice Department funds from being made available for any law enforcement agency of any State or unit of local government unless the Attorney General has certified that such agency has begun or completed the process of obtaining accreditation from a certified law enforcement accreditation organization.

- Directs the Attorney General to establish a program to improve training for all Federal, State, and local law enforcement officers, including the development of standards that can be applied in hiring and performance assessments, specifically aimed at racial profiling, implicit bias, and procedural justice, as well as the use of force and the duty for officers to intervene when witnessing the use of excessive force against civilians. The recommendation further directs the Attorney General to establish standards for such training to be adopted nationwide.

- Establishes and provides \$5,000,000 for a National Task Force on Law Enforcement Oversight. This Task Force is designed to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct nationwide, in consultation with professional law enforcement associations, labor organizations, and community-based organizations.

- Provides \$500,000 for the development and implementation of a National Police Misconduct Registry, designed to serve as a central repository of data with respect to all Federal, State, and local law enforcement officers, to be compiled and maintained by the Department of Justice. This would provide a publicly available resource to help ensure accountability and transparency and help restore trust in the credibility of the Nation's law enforcement agencies and improve relationships between them and the communities they serve.

- Prohibits any State or unit of local government from receiving any Byrne JAG program funds or COPS program funds, unless the United States Attorney General certifies that the jurisdiction satisfies all of the following requirements:

1. Maintains adequate policies and procedures designed to eliminate racial profiling in law enforcement, and has eliminated any existing practices that permit or encourage racial profiling in law enforcement;

2. Requires each law enforcement officer in the State or unit of local government to complete training programs on racial profiling, implicit bias, de-escalation, use of force and a duty to intervene in cases where another law enforcement officer is using excessive force against a civilian, and procedural justice;

3. Has in effect a law that prohibits law enforcement officers from using a chokehold or carotid hold, consistent with the requirements as described in section 363 of H.R. 7120, The

George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020;

4. Has in effect a law that prohibits law enforcement officers from using less lethal force, consistent with the requirements as described in section 364 of H.R. 7120;

5. Has in effect a law that prohibits law enforcement officers from using deadly force, consistent with the requirements as described in section 364 of H.R. 7120;

6. Has in effect a law that prohibits the issuance of a “no-knock warrant” in a drug case, consistent with the requirements as described in section 362 of H.R. 7120;

7. Has provided the United States Attorney General a law enforcement practice report that includes information on the race, ethnicity, age, and gender of the officers and employees of the law enforcement agency and of members of the public involved in:

- (a) traffic violation stops;
- (b) pedestrian stops;
- (c) frisk and body searches; and
- (d) instances where officers or employees of the law enforcement agency used deadly force, including detailed information on such instances.

8. Has not entered into or renewed any contractual arrangement, including a collective bargaining agreement with a labor organization, that:

- (a) would prevent the Attorney General from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in a pattern or practice of unconstitutional misconduct, or
- (b) conflicts with any terms or conditions contained in a consent decree.
- Prohibits any State or unit of local government from receiving any Byrne JAG program funds or COPS program funds, unless the United States Attorney General certifies that the jurisdiction (including all members of multi-jurisdictional or regional consortia applying for COPS funds) has in effect a law that makes it a criminal offense for any person acting under color of law to engage in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer.
- Requires ten percent of each applicant’s Byrne JAG formula funds to be spent to develop and implement best practice devices and systems to eliminate racial profiling, including training to prevent racial profiling and to encourage more respectful interaction with the public, the acquisition and use of technology to facilitate the accurate collection and analysis of data, the development and acquisition of feedback systems and technologies that identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, and the establishment and maintenance of an administrative complaint procedure or independent auditor program.
- Requires five percent of each applicant’s Byrne JAG formula funds to be spent to assist law enforcement agencies of the applicant, including campus public safety departments,

gain or maintain accreditation from certified law enforcement accreditation organizations.

- Requires five percent of each applicant's Byrne JAG formula funds to be used to study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies.

- Requires five percent of each applicant's Byrne JAG formula funds to be used to purchase or lease body-worn cameras for use by State, local, and tribal law enforcement officers; for expenses related to the implementation of a body-worn camera program in order to deter excessive force, improve accountability and transparency of use of force by law enforcement officers, and improve evidence collection; or to implement policies or procedures to be consistent with requirements as described in section 382 of H.R. 7120, as passed by the House of Representatives on June 25, 2020. The recommendation additionally includes \$27,500,000 for the competitive matching grant program for purchases of body-worn cameras for State, local and Tribal law enforcement.

- Provides \$50,000,000 for grants to train State and local law enforcement officers on racial profiling, implicit bias, de-escalation, use of force and a duty to intervene when witnessing other officers using excessive force, and procedural justice.

- Provides \$100,000,000 for grants to assist states in conducting pattern and practice investigations of law enforcement.

- Provides \$7,200,000 for grants to support State and local law enforcement in complying with reform efforts as a result of litigation including, but not limited to, consent decrees, out of court agreements, memoranda of understanding, findings, technical assistance, and recommendation letters from reform authorities.

- Provides \$250,000,000 for grants to states and tribes to assist in implementing statutes providing for independent investigation of law enforcement officers.

- Provides \$25,000,000 for grants to community-based organizations to study and implement: (1) effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies; or (2) effective strategies and solutions to public safety, including strategies that do not rely on Federal or local law enforcement agency responses. The studies shall address standards relating to administrative due process, residency requirements, compensation and benefits, use of force, racial profiling, early warning systems, juvenile justice, school safety, civilian review boards or analogous procedures, or research into the effectiveness of existing programs, projects, or other activities designed to address misconduct by law enforcement officers.

- Provides \$25,000,000 for pilot programs and the implementation of effective standards and programs in the areas of training, hiring and recruitment, and oversight that are designed to improve management and address misconduct by law enforcement officers. In addition, not less than \$4,000,000 is separately provided within the COPS account to develop best

practices for, and to create, civilian review boards, consistent with the requirements as described in section 104(b) of H.R. 7120 as passed by the House of Representatives on June 25, 2020.

- Provides \$15,000,000 for technical assistance grants to tribes and small law enforcement agencies (employing 100 or fewer officers) to help them comply with the requirements of H.R. 7120, as passed by the House of Representatives on June 25, 2020, related to reporting data on the use of force by law enforcement officers.

- Provides \$5,000,000 for grants within the Byrne JAG program for the development of best practices for, and the creation of, local task forces on public safety innovation.

- Provides \$5,000,000 for up to five technical assistance grants for data collection on the hit rates for stops and searches by law enforcement agencies, and provides \$500,000 for analysis and evaluation of this data.

- Provides \$20,300,000 for the Community Relations Service, an increase of \$4,300,000 above fiscal year 2020, including \$3,300,000 for additional conflict resolution efforts as authorized in section 116(2) of H.R. 7120 as passed by the House of Representatives on June 25, 2020.

- Provides \$12,000,000 for the U.S. Commission on Civil Rights, an increase of \$1,935,000 above fiscal year 2020, including additional funding in support of the Commission's efforts to further research and advise on the topic of policing reform.

- Provides \$6,000,000 for domestic radicalization research and directs the National Institute of Justice (NIJ) to prioritize funding toward research efforts that explore the radicalization of Americans to white nationalist extremism and identify and advance evidence-based strategies for effective intervention and prevention.

- Directs the FBI to report on the number of incidents in fiscal years 2016 through 2020 that required surveillance, investigation, and prosecution of white supremacist activity or racially motivated violent extremism associated with white supremacist ideology.

- Directs NIJ to conduct a study to identify evidence-based procedures, practices, trainings, and policies that both reduce the use of excessive force by law enforcement as well as support the effective use of de-escalation training to resolve confrontations peacefully.

- Directs NIJ to conduct a nationwide study of the prevalence and effect of any law, rule, or procedure that allows a law enforcement officer to delay the response to questions posed by a local internal affairs officer, or review board on the investigative integrity and prosecution of law enforcement misconduct, including pre-interview warnings and termination policies, consistent with requirements as described in section 115 of H.R. 7120 as passed by the House of Representatives on June 25, 2020.

In addition, the recommendation includes the following further measures aimed at ensuring racial justice:



- Provides \$8,000,000 for grants authorized under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84) to help states, localities, and tribal law enforcement agencies to conduct educational outreach and training on hate crimes, and to investigate and prosecute hate crimes.
- Provides \$13,500,000, as authorized, in support of the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114–325) to investigate and prosecute previously unresolved civil rights era “cold case” murders suspected of having been racially motivated, through a partnership among the Criminal Section of the Civil Rights Division, the Civil Rights Unit of the FBI, the Community Relations Service, State and local law enforcement officials, and other eligible entities.
- Provides \$408,700,000 for the Equal Employment Opportunity Commission, an increase of \$19,200,000 above fiscal year 2020.
- Provides \$52,000,000 for the Minority Business Development Agency, an increase of \$10,000,000 above fiscal year 2020, to help create jobs and expand business growth opportunities among minority-owned U.S. companies.

*Infrastructure and Economic Growth.*—This bill invests in our nation’s infrastructure improvement needs by providing \$356,000,000 for the Economic Development Administration (EDA), an increase of \$23,000,000 above fiscal year 2020, including increases for EDA’s Public Works program, Regional Innovation Strategies program, and other EDA programs. These funds will support the Nation’s economic recovery and provide the foundation for future growth in jobs and our standard of living.

The bill also helps expand economic growth in other ways. The recommendation includes \$153,000,000 for the Manufacturing Extension Partnership program, an increase of \$7,000,000 above fiscal year 2020. This program helps small- and medium-sized U.S. manufacturers create jobs and expand business growth opportunities. A robust funding increase is provided for the International Trade Administration, to create jobs by expanding U.S. exports and fighting the unfair trade practices of other countries. Furthermore, the full budget request of \$3,695,295,000 is provided for the U.S. Patent and Trademark Office (PTO), to enable PTO to promote innovation in the United States by protecting our nation’s intellectual property rights both at home and abroad.

The bill also ensures responsible investments in the future of our Nation’s economy and workforce by providing increases for science, technology, engineering, and mathematics (STEM) engagement at the National Aeronautics and Space Administration (NASA) and the National Science Foundation (NSF), as well as an increase for EDA’s STEM Apprenticeship Pilot Program to create and expand STEM apprenticeships and other workforce training models. Within the National Institute of Standards and Technology, strong funding increases are provided for research efforts related to key future technologies, including quantum information science and artificial intelligence.

All of these investments in our economy are especially important now, as the Nation continues to deal with the very real economic consequences associated with the coronavirus pandemic.

*Census Bureau.*—The bill provides the full budget request for Periodic Censuses and Programs, to enable the Census Bureau to effectively finish its work on the constitutionally-required decennial census.

*Efforts Addressing Climate Change.*—The bill provides strong and responsible funding increases for critical efforts to better understand, and prepare for, the Earth's changing climate. Notable funding increases are provided for NASA Earth Science activities as well as for climate research activities of the National Oceanic and Atmospheric Administration (NOAA). Both areas have been repeatedly targeted by the Administration for large funding cuts and eliminations. This bill once again rejects those proposals. The recommendation also increases funding for NOAA's National Coastal Resiliency Fund. This competitive grant program funds natural infrastructure solutions to help protect coastal areas threatened by rising sea level and other impacts of climate change. Furthermore, the recommendation includes funding increases both for NOAA's Coastal Zone Management grant program, and to enhance the National Weather Service's ability to accurately forecast extreme weather events.

*Fighting the Opioid Epidemic.*—The bill provides substantial resources to address the opioid epidemic. To assist State and local governments, the bill provides strong funding increases for grants authorized by the Comprehensive Addiction and Recovery Act. For Federal law enforcement, the bill maintains funding to support Federal law enforcement's ability to investigate and prosecute traffickers in opioids and other dangerous drugs.

*Justice Grants.*—The bill provides other responsible increases for Department of Justice grant assistance. For programs funded under the Violence Against Women Act, the bill provides \$525,000,000, an increase of \$22,500,000 above fiscal year 2020. For school safety, the bill provides \$140,000,000, an increase of \$15,000,000, to fund the STOP School Violence Act of 2018. In addition, the bill increases funding for other activities that will address school violence, such as youth mentoring grants and grants for juvenile justice and delinquency prevention.

*Preventing Gun Violence.*—The bill also takes important steps towards addressing gun violence in this country. The bill maintains current funding for the FBI's National Instant Criminal Background Check System (NICS) and provides a strong funding increase for grants to help States improve their submissions into the NICS system. The bill also increases funding for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) by \$150,000,000 above fiscal year 2020 to hire additional investigative personnel and expand oversight of Federal Firearms Licensees.

*Legal Services Corporation.*—The recommendation makes a strong commitment to ensuring access to justice for all Americans by providing \$465,000,000 for the Legal Services Corporation, an increase of \$25,000,000 above fiscal year 2020.

*First Step Act and Second Chance Act.*—The recommendation includes not less than \$165,000,000, an increase of \$90,000,000 above fiscal year 2020, for programs authorized under the First Step Act

of 2018, to expand and develop opportunities for incarcerated individuals to participate in evidence-based, recidivism-reducing programming and productive activities. The recommendation also includes \$100,000,000 for Second Chance Act grants, an increase of \$10,000,000 above fiscal year 2020.

*National Aeronautics and Space Administration (NASA).*—For NASA, the bill includes \$22,629,000,000, equal to fiscal year 2020, including strong funding levels for NASA’s science, human space exploration, space technology, aeronautics research, and STEM Engagement programs, many of which have been repeatedly targeted for reduction or even elimination in the Administration’s budget requests.

*Other Science Investments.*—The recommendation makes other strong investments in science as well, providing \$8,548,343,000 for the National Science Foundation, an increase of \$270,013,000 above fiscal year 2020, and \$789,000,000 for scientific and technical research and services of the National Institute of Standards and Technology, an increase of \$35,000,000 above fiscal year 2020.

#### OVERSIGHT AND BUDGET REVIEW

In furtherance of the Committee’s oversight responsibilities and to protect hard-earned taxpayer dollars, the Committee has included language that:

- Provides strong funding increases for the agency inspectors general funded in this bill.
- Caps total life-cycle costs for programs that have a record of poor performance.
- Prohibits funding for the National Technical Information Service to charge customers for a copy of a document generated by the Legislative Branch unless the customer is informed how to receive an electronic copy free online.
- Prohibits the Executive Office for Immigration Review from using case completion quotas in immigration judge performance evaluations.
- Maintains limitations on the Department of Justice’s use of non-appropriated funds, including the Working Capital Fund and the Assets Forfeiture Fund.
- Requires quarterly reporting of unobligated balances.
- Requires agencies procuring sensitive information technology systems to conduct supply chain risk assessments.
- Requires contractors and grantees receiving more than \$5,000,000 to certify that they are not delinquent on their Federal taxes.
- Prohibits funds from being used to purchase first class and premium airline travel.
- Limits the number of agency staff who can attend overseas conferences.
- Requires agencies to track undisbursed grant balances.
- Requires agencies to submit spending plans for the Committee’s review.
- Requires agencies to notify the Committee of project cost overruns and mitigation plans.
- Requires agency computer networks to block pornography.

*Paper Reduction Efforts.*—The Committee urges the Departments of Commerce and Justice, the National Science Foundation, and

NASA to work with the Office of Management and Budget to reduce printing and reproduction costs and directs each agency to report to the Committee within 60 days of the enactment of this Act on the steps it has taken to achieve this goal. The report should specifically identify how much funding each agency expects to save by implementing these measures.

*Performance Measures.*—The Committee directs all agencies funded by this Act to comply with title 31 of the United States Code, including the development of their organizational priority goals and outcomes such as performance outcome measures, output measures, efficiency measures, and customer service measures. The Committee directs all agencies funded by this Act to report on their implementation plans for these measures within 60 days of the enactment of this Act, and looks forward to receiving the reports on this subject as directed in House Report 116–101.

*Customer Service.*—The Committee continues to support efforts to improve customer service in accordance with Executive Order 13571—Streamlining Service Delivery and Improving Customer Service. The Committee directs all agencies funded by this Act to develop standards to improve customer service and incorporate the standards into the performance plans required under 31 U.S.C. 1115. The Committee directs all agencies funded by this Act to report on their implementation plans regarding this subject no later than 60 days after enactment of this Act, and looks forward to receiving the reports on this subject as directed in House Report 116–101.

*Federal Advertising.*—The Committee understands that, as the largest advertiser in the United States, the Federal Government should work to ensure fair access to its advertising contracts for small disadvantaged businesses and businesses owned by minorities and women. The Committee directs each department and agency funded by this Act to include the following information in its fiscal year 2022 budget justification: Expenditures for fiscal year 2020 and expected expenditures for fiscal years 2021 and 2022, respectively, for (1) all contracts for advertising services; and (2) contracts for the advertising services of: (a) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and (b) women- and minority-owned businesses.

*Services for Persons with Limited English Proficiency.*—The Committee notes the importance of ensuring access to Federal services and programs for all persons with limited English proficiency. Therefore, the Committee directs agencies and programs funded in this Act to comply fully with the requirements of Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and on an ongoing basis, review and improve their efforts to provide meaningful access to the programs, services, and information they provide.

#### REPROGRAMMING PROCEDURES

Section 505 of the bill contains language concerning the reprogramming of funds between programs, projects, and activities. The Committee reminds the departments and agencies funded in this bill that the reprogramming process is based on comity between the Congress and the Executive Branch. This process is in-

tended to provide departments and agencies enough flexibility to meet changing circumstances and emergent requirements not known at the time of congressional review of the budget while preserving congressional priorities and intent. In the absence of comity and respect for the prerogatives of the Appropriations Committees and the Congress in general, the Committee may opt to include specific program limitations and details in legislation and remove language providing the flexibility to reallocate funds. Under these circumstances, programs, projects, and activities become absolutes and the Executive Branch shall lose the ability to propose changes in the use of appropriated funds except through legislative action.

Each department and agency funded in this Act shall follow the directions set forth in this bill and the accompanying report and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2021, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2021. As specified in section 505, the Committee expects that the Appropriations Subcommittees on Commerce, Justice, Science, and Related Agencies of the House and Senate will be notified by letter a minimum of 15 days prior to any reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices, programs, or activities;
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- (7) augments existing programs, projects, or activities more than \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or
- (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress.

The Committee recognizes that the coronavirus pandemic may lead to unanticipated yet unavoidable agency costs that could require budgetary transfers and reprogrammings. However, the Committee expects to be promptly notified in advance of all such actions.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. The Committee further expects any department or agency funded in this bill that plans a reduction-in-force to notify the Committee by letter at least 30 days in advance of the date of any such planned personnel action.

#### RELATIONSHIP WITH BUDGET AND COMPTROLLER OFFICES

Through the years the Appropriations Committee has channeled most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations of the various departments, agencies, and commissions. Such relationships

are necessary to accomplish the work of the Committee. While the Committee reserves the right to call upon all organizations in the departments, agencies and commissions for information and assistance, the primary contact between the Committee and these entities must be through the budget offices and comptroller organizations, or through a legislative affairs unit designated by the Committee to work on appropriations and budget matters.

The workload generated in the budget process is large and growing; therefore, a positive, responsive relationship between the Committee and the budget and/or comptroller offices is essential for the Committee to fulfill the Constitutional appropriations responsibilities of Congress.

## TITLE I

### DEPARTMENT OF COMMERCE

#### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

The Committee recommends \$542,428,000 in total resources for the programs of the International Trade Administration (ITA), which is \$21,178,000 above fiscal year 2020 and \$57,021,000 above the request. This amount is offset by \$11,000,000 in estimated fee collections, resulting in a direct appropriation of \$531,428,000. The recommendation fully supports the staffing requirements to help ITA provide critical expertise in both trade promotion and facilitation as well as enforcement. The Committee directs ITA to continue to provide quarterly updates as described in the Explanatory Statement accompanying Public Law 116–93.

*Industry and Analysis.*—The recommendation continues support for the Survey of International Air Travelers (SIAT) at no less than the fiscal year 2020 level and encourages ITA to include an assessment of the impacts of the coronavirus on the travel and tourism industries in future SIAT surveys. Further, the Committee directs ITA to provide a report to the Committee no later than 60 days after enactment of this Act outlining next steps the Federal government can take to assist industry as efforts to recover from this crisis are underway. Additionally, the report should include policy recommendations or legislative proposals that may be considered.

*Enforcement and Compliance.*—The recommendation fully funds Enforcement and Compliance at the requested level. The Committee commends ITA for its expansion of the existing Steel Import Monitoring and Analysis system to include aluminum. The new Aluminum Import Monitoring and Analysis (AIMA) system provides the public statistical data on aluminum imports entering the United States and provides as an early warning system to the public regarding aluminum imports from throughout the world. The recommendation supports the \$800,000 requested to support the AIMA system and will help enhance data analytics and research into aluminum global trade trends.

In fiscal year 2022, ITA had 168 analysts spread among nine different Anti-Dumping and Countervailing Duty (AD/CVD) enforcement offices and initiated 60 new AD/CVD investigations. However, last year ITA initiated a similar number of investigations and

issued a historically high number of AD/CVD orders with roughly 20 percent fewer staff spread among eight enforcement offices. ITA is directed to prioritize Anti-Dumping and Countervailing Duty (AD/CVD) operations and the new Anti-Circumvention and Evasion Unit by directing necessary resources to promptly respond to any increase in AD/CVD cases by taking steps to fill vacancies. The Committee also encourages ITA to continue to self-initiate AD/CVD proceedings, particularly with regard to unfair trade practices that result in economic harm to small businesses and producers, especially those with regional and seasonal impacts, and include updates on these efforts in ITA's quarterly updates to the Committee.

*Global Markets.*—The recommendation provides \$348,000,000 for Global Markets, \$67,681,000 above the request. The Committee directs ITA to ensure that all U.S. Export Assistance Centers have onsite, full-time permanent staff members and further directs ITA to include in its quarterly updates a progress report on these efforts, by location. The Committee further directs ITA to provide a supplement report, due no later than 180 days after enactment of this Act, providing a staffing plan for any Export Assistance Center that did not have a full-time permanent staff person in fiscal year 2020. This report shall include a breakdown of all related costs to maintain these locations and a timeframe for staffing these locations, with projected out-year costs.

*Efforts in the Territories.*—The Committee is concerned by the relatively low levels of exports by small businesses, foreign direct investment from firms other than foreign subsidiaries of U.S. companies, and tourism as percentage of GDP in the territorial possessions of the United States. Multiple territories, but in particular Puerto Rico, have suffered from significant natural disasters and economic stagnation over the past several years, and the Committee believes ITA should play a more active role in helping to address these issues, as recommended in the 2016 Bipartisan Congressional Task Force on Economic Growth in Puerto Rico report to the House and Senate. Therefore, the Committee directs ITA to take all reasonable steps to educate stakeholders in Puerto Rico and other territorial possessions of the United States, including by holding educational and/or technical assistance events, and to provide direct technical assistance to territorial governments if requested. ITA shall report back to the Committee not later than 60 days after the enactment of this Act on its plans in this area.

#### BUREAU OF INDUSTRY AND SECURITY

##### OPERATIONS AND ADMINISTRATION

The Committee recommends \$137,664,000 for the Bureau of Industry and Security (BIS), as requested, and \$10,012,000 above fiscal year 2020. The recommendation does not support the transfer of the Regulatory Policy Division to the Office of the Under Secretary.

The Committee has heard concerns about how exclusions under section 232 of the Trade Expansion Act of 1962 have been implemented and awaits the report directed in House Report 116–101. Further, the Committee directs the Department to continue its quarterly reporting on the Section 232 exclusion process as de-

scribed in the Explanatory Statement accompanying Public Law 116–6.

*Tariff Exclusions for Aluminum Products.*—The Committee recognizes the importance of the U.S. aluminum industry to our nation’s safety, security, and prosperity. However, the Committee is concerned by industry reports suggesting that the Department has granted tariff exclusions for volumes of aluminum products that in some cases have exceeded historical import volumes and U.S. market demand. The Committee encourages the Commerce Department to improve its efforts to ensure that exclusion volumes are not unnecessarily disproportionate to historic import volumes and continue its efforts to leverage and advance domestic aluminum production through robust collaboration, research, and initiatives.

*3D-printed Firearms and Firearm Parts.*—The Committee is aware that on March 9, 2020, a number of items on Categories I, II, and III of the International Traffic in Arms Regulations (ITAR) U.S. Munitions List (USML) were transferred to the Commerce Control List (CCL). The Committee notes that the exports of technology or software that can be used to manufacture 3D-printed firearms and firearm parts have not transferred while the matter is under pending litigation. Further, the Committee is aware that notifications to Congress that were once in place for items previously on the USML are no longer in effect as the Commerce Department does not currently have to notify Congress of firearms sales in excess of \$1,000,000 as the State Department was required to do. The Committee urges the Department of Commerce to continue these notifications to Congress to ensure congressional oversight.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

The Committee rejects the proposal to terminate the Economic Development Administration (EDA) and instead recommends \$356,000,000 for the programs and administrative expenses of the EDA. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$1,500,000,000 for the EDA to prevent, prepare for, and respond to coronavirus, including to economic injury, domestically or internationally.

*Allocation of CARES Act Funds.*—The Committee strongly disagrees with EDA’s geographic distribution of the \$1,500,000,000 provided in the CARES Act (Public Law 116–136), which directed EDA “to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for responding to economic injury as a result of coronavirus.” The Committee understands that in determining the geographic allocations, EDA did not consider any data that would indicate the relative levels of economic injury by region, despite the availability of leading economic indicators such as payroll records and unemployment claims. While the Committee appreciates the difficulty of assessing the economic injury of the ongoing economic calamity, that difficulty did not absolve EDA of their legal requirement to do so.

Not later than 30 days after the enactment of this Act, EDA shall provide a report to the Committee that includes: (1) the methodology used in determining the geographic allocations of CARES Act funds, including the weighting of each variable in the allocation formula; (2) estimates of the relative economic injury incurred by



each region due to the coronavirus, one using the most recent economic data, and another using data which was available as of April 10, 2020; and (3) an analysis of the discrepancy between the funding made available to each region and the relative economic injury. Further, details regarding the geographic allocations of funds as detailed in (1) above shall be provided in all future spend plans submitted to the Committee for all EDA funds.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The Committee provides \$314,000,000 for the Economic Development Assistance Programs account for grants to economically distressed areas. The Committee notes with deep concern the increasing levels of inequality in the Nation which has been magnified by the COVID-19 pandemic. The Committee expects EDA will play a critical role in ensuring that no communities are left behind in the economic recovery that is to come and is committed to supporting EDA in this endeavor.

Funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works .....	\$122,000,000
Partnership Planning .....	33,000,000
Technical Assistance .....	9,500,000
Research and Evaluation .....	1,500,000
Trade Adjustment Assistance .....	13,500,000
Economic Adjustment Assistance .....	40,000,000
Assistance to Coal Communities .....	37,000,000
Regional Innovation Program .....	35,000,000
Assistance to Nuclear Closure Communities .....	18,000,000
STEM Apprenticeship Pilot Program .....	4,500,000
<hr/>	
Total .....	314,000,000

*Assistance to Coal Communities.*—The Committee continues to support Assistance to Coal Communities, which builds on the Committee’s prior efforts to assist communities throughout the country that are suffering significant coal mining job losses. The recommendation includes \$37,000,000 for Assistance to Coal Communities, which represents an increase of \$7,000,000 from the amount provided in fiscal year 2020. The Committee appreciates that EDA has engaged and is collaborating with local leaders and stakeholders, along with other Federal agencies, to develop comprehensive strategies to promote economic growth in coal mining communities. The Committee expects this effort to continue. The Committee directs EDA to continue assisting communities that have yet to develop an economic development strategy to begin the planning process, and to continue to assist communities with such strategies to implement them, including by funding authorized economic development projects. EDA shall also continue reporting to the Committee on its efforts to assist coal communities, and the report shall include a detailed description regarding how EDA and other Federal agencies have assisted coal mining communities to date and how the Federal government plans to assist them in the future.

*National Advisory Council on Innovation and Entrepreneurship.*—The Committee notes with concern the lapse of the activities of the National Advisory Council on Innovation and Entrepreneurship. EDA is directed to reconstitute this body within 180 days of

the enactment of this Act to inform its work in strengthening the American economy.

*Public Works.*—The Committee provides \$122,000,000 for Public Works and encourages EDA to prioritize projects that are resilient to the changing climate as well as those that incorporate green infrastructure solutions.

*Regional Innovation Program.*—The Committee encourages EDA to support the development of regional innovation clusters that focus on advanced wood products, which are a growing source of jobs in rural America and contribute to rural economic development. An initiative that successfully increased demand for wood products would also address several key land management priorities, including reducing forest treatment costs and wildfire risks. The Committee urges EDA to invest in university based, high tech business incubators to diversify distressed manufacturing and legacy urban and rural communities by encouraging entrepreneurship and promoting technology commercialization through business startups. Furthermore, this activity should support private-public partnerships for economic growth and job creation in areas of high unemployment.

*Nuclear Power Plant Closures.*—The Committee notes that closures of nuclear power plants throughout the United States have had a significant impact on the economic foundations of surrounding communities through sudden job losses and a dramatic reduction to the local tax base. Additional plant closures are expected throughout the country in the coming years. The Committee appreciates the work EDA has undertaken to assist such communities in prior years and provides \$18,000,000 for competitive economic adjustment assistance to expand these efforts, which shall include, but not be limited to, public works investments and economic diversification initiatives in communities impacted by recent or scheduled nuclear power plant closures. The Committee directs the Department to report to the Committee no later than 90 days after enactment of this Act on the status of these efforts.

*STEM Apprenticeship Pilot Program.*—The Committee notes that over the past decade, the growth in jobs requiring sophisticated science, technology, engineering, and math (STEM) skills was three times faster than growth in non-STEM jobs. Yet, U.S. employers have struggled to fill jobs in these fields. Because more than 50 percent of jobs that require STEM skills do not require a bachelor's degree, nontraditional higher education, such as apprenticeships, will be instrumental in meeting the urgent demand for a STEM-literate workforce. Therefore, the Committee provides \$4,500,000 to continue the STEM Apprenticeship Pilot Program, established in fiscal year 2020, to provide grants to create and expand STEM apprenticeship and other workforce training models, as directed in section 312 of the American Innovation and Competitiveness Act (Public Law 114–329).

*Persistent Poverty.*—The Committee is concerned that pockets of high poverty in urban areas are often overlooked by the Federal Government because, in the aggregate, their need is often masked by their affluent neighbors. In light of the impacts of COVID-19, the need in these areas is greater than ever. Therefore, when scoring competitive grant applications, EDA is directed to add additional priority, where practicable, to applications from grantees

who can demonstrate that the individuals who will benefit from such grants reside in high-poverty areas or persistent-poverty counties, as defined in fiscal year 2020. In addition, EDA shall provide guidance to such prospective grantees, especially prior to their application submissions, including to help determine whether they qualify for additional priority. The Department is directed to report to the Committee, not later than 90 days after the date of enactment of this Act, on EDA's efforts aimed at high-poverty areas and persistent poverty counties, including efforts to prioritize assistance to such areas.

*Economic Assistance for Communities.*—Economic and community development funding provided by other agencies can have even more impact if they are utilized in conjunction with other Federal funding sources, such as EDA. The Committee therefore encourages EDA to treat as acceptable funds any funding provided by other Federal programs which are explicitly authorized to be used for any required non-Federal share of the cost of a project so that funding from both agencies may be used if necessary and to the extent permitted by law.

#### SALARIES AND EXPENSES

The recommendation includes \$42,000,000 for EDA salaries and expenses.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

The recommendation includes \$52,000,000 for the Minority Business Development Agency (MBDA), an increase of \$10,000,000 over fiscal year 2020. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$10,000,000 for the minority business centers of the MBDA to provide technical assistance to small business concerns. MBDA is the only Federal agency dedicated to promoting the growth of minority-owned firms and assists small, medium, and large minority enterprises to expand business opportunities and create jobs. MBDA is directed to allocate no less than \$36,000,000 of its total appropriation toward cooperative agreements, external awards, and grants, including not less than \$22,000,000 to continue MBDA's Business Center program and Specialty Project Center program.

*Native American Business Development.*—The Committee provides not less than \$3,000,000 for MBDA to award grants to tribes and American Indian, Alaska Native, and Native Hawaiian populations to address barriers to economic development. MBDA shall continue full implementation of Public Laws 106–447 and 106–464 and to fulfill the mission of the Office of Native American Business Development.

*HBCU/HSI Entrepreneurship Pilot.*—The Committee recognizes that while growth rates in entrepreneurship for many groups is increasing, compared to rates of participation in the labor market, there are systemic challenges for numerous minority groups. The Committee encourages MBDA to establish a pilot project to support entrepreneurship for undergraduate students at Historically Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions (HSIs), which shall support the development of curricula,

pilot courses, seminars, and development of replicable products and tools. Program elements should align with the Inclusive Innovation Initiative and national efforts related to economic development generally. The Department is encouraged to include recommendations in its next year budget submission on efforts to support the demonstration for a three-year period.

*White House Initiative on Asian Americans and Pacific Islanders.*—The Committee notes with concern the Administration’s decision to shift the White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI) from the Department of Education to MBDA despite the lack of Congressional notification. This obfuscation was compounded by the omission of any discussion of the subsequent proposed elimination of WHIAAPI in the fiscal year 2021 Department of Commerce budget proposal. The Committee rejects this elimination and instead provides no less than the amount provided in fiscal year 2020. The Department shall, within 30 days of the enactment of this Act, provide the Committee with a report on the decision to move WHIAAPI to MBDA, which shall include an explanation of the change in its goals and scope that make MBDA a more appropriate fit. The Department is further directed to include the Initiative as part of its budget proposal submission for fiscal year 2022, with details regarding its scope of work, metrics and deliverables, and financial requirements.

## ECONOMIC AND STATISTICAL ANALYSIS

### SALARIES AND EXPENSES

The Committee recommends the requested amount of \$111,855,000 for the Economics and Statistics Administration, \$3,865,000 above fiscal year 2020. The Committee looks forward to receiving the report on the long-term funding strategy for the Federal Data Service as directed in House Report 116–101.

Within the amounts provided, \$1,500,000 is for the Outdoor Recreation Satellite Account (ORSA). The Committee directs the Bureau of Economic Analysis (BEA) in consultation with the Department of Labor to conduct a workforce needs study building upon the information provided by ORSA. The study should focus on identifying current and projected workforce demographics, geographic distribution of jobs, compensation trends, unfilled job types and quantities, and recommended training needs by sub-sector. BEA is encouraged to coordinate with the agencies of the Federal Recreation Council, outdoor recreation industry, nongovernmental organizations, and institutions of higher education to recommend strategies to both research and develop national-level training standards and solutions to support this fast-changing and growing industry, and assess ways further investment in this area could help with rural and suburban economic development.

### BUREAU OF THE CENSUS

The Committee recommends a total of \$1,681,112,000 for the Bureau of the Census, which is \$9,135,000 above the request. The amount reflects the eventual ramp down of the 2020 Decennial Census operations, which has experienced unprecedented delays due to the novel coronavirus pandemic and will continue portions of its operations into the first quarter of fiscal year 2021.

*Puerto Rico and U.S. territories.*—The Committee looks forward to receiving the report required in the Explanatory Statement accompanying the fiscal year 2020 Consolidated Appropriations Act, which will outline the process for including Puerto Rico in the total resident and total population totals of the United States. The Committee expects the Census Bureau to outline any further steps necessary to implement this plan, including any necessary legislative changes.

*Lesbian, Gay, Bisexual, and Transgender Population Data Collection.*—The Committee looks forward to the feasibility study for expanding data collection of the lesbian, gay, bisexual, and transgender (LGBT) population in its future Federal population surveys as directed in House Report 116–101. The Committee believes data on the LGBT population will be useful to policymakers and researchers alike. Additionally, the Committee has heard concerns about the lack of reliable data on gender non-binary population and directs the Census Bureau to undertake a feasibility study for expanding data collection to this population in its future Federal population surveys. A report on the results of this study shall be delivered to the Committee no later than 180 days after enactment of this Act.

*Language Assistance.*—The Committee recognizes the expansion of language support for the 2020 Decennial Census through the 2020 Census Language Services Operation to reach 98 percent of limited-English speaking households and the Census Bureau's efforts currently underway to translate American Community Survey (ACS) into other non-English languages such as Korean, Spanish, Arabic, Chinese, French, Portuguese, Polish, Russian, Haitian-Creole, and Vietnamese. However, the Committee remains concerned about the lack of data on small population groups and the availability of language assistance for respondents to other surveys and encourages the Census Bureau to continue assessing ways to increase language assistance on its surveys to those who speak Asian languages, Pacific Islander languages, American Indian and Alaska Native languages, African languages and Spanish. Further, the Committee directs the Census Bureau to provide updates on a semi-annual basis on language assistance programs for the American Community Survey (ACS), including information on how it is reaching and assisting respondents who speak the aforementioned languages.

*Cybersecurity Threats.*—The Committee remains concerned that as the Census Bureau looks to modernize data collection methods, the Census Bureau could potentially be exploited by nefarious actors who seek to undermine the integrity of census data, which is vital to democratic institutions, and gain access to sensitive information otherwise protected by law. These threats include both hacking into the Census Bureau IT infrastructure and efforts to use supercomputing to unmask the privacy of census respondents. The Committee directs the Census Bureau to prioritize cyber protections and high standards of data differential privacy, while also maintaining the accuracy of the data, and expects the Census Bureau to update the Committee regularly on these efforts.

## CURRENT SURVEYS AND PROGRAMS

The Committee recommends \$288,403,000 for Current Surveys and Programs, which is \$14,403,000 above fiscal year 2020 and \$9,135,000 above the request.

The recommendation restores funding to continue the level of effort for the Survey of Income and Program Participation (SIPP) at the fiscal year 2018 level to ensure statistically reliable estimates, and fully supports the Census Bureau's efforts to evaluate and improve the supplemental poverty measure.

## PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends the requested level of \$1,392,709,000 for Periodic Censuses and Programs. The recommendation provides for a transfer of \$3,556,000 to the Department of Commerce Office of Inspector General (OIG) for oversight and auditing of the Census Bureau.

*2020 Decennial Census.*—Given the unprecedented delays to the 2020 Decennial Census due to the coronavirus, the Census Bureau required the majority of its approximately \$2,000,000,000 in carry-over funds to support the delay in field operations in fiscal year 2020, and therefore the recommendation does not include the Administration's proposal to transfer \$208,000,000 in 2020 Decennial funds to the Census Bureau Working Capital Fund to support fiscal year 2021 requirements, including the reconfiguration of existing facilities to accommodate the relocation of 1,800 Bureau of Labor Statistics (BLS) personnel. The Census Bureau, in coordination with the General Services Administration, BLS and OMB, is directed to brief the Committee on the status of this relocation effort including timeline and costs borne by all agencies no later than 15 days after enactment of this Act. While the Committee understands reconfiguration to the existing facilities and IT infrastructure will be required to accommodate the additional employees, the Committee directs the Census Bureau to find innovative ways to ensure current occupants are not negatively impacted by this move and encourages the Census Bureau to solicit occupant feedback and consider enhancing telework or alternative work schedules.

*2030 Decennial Census.*—As the 2020 Decennial Census concludes, preparations for the 2030 Decennial Census operation are beginning. The Committee recognizes the unprecedented delays to the 2020 Decennial Census due to the coronavirus were outside of the Census Bureau's control, but the Committee also understands the importance of examining lessons learned as a vital part of program management and directs the Census Bureau to conduct such reviews and inform the Committee on its findings. Additionally, as the Census Bureau examines the questions that will be considered for the 2030 Decennial Census, the Committee directs the Census Bureau to conduct a feasibility study on including a race category for individuals who identify as Middle East or North African, also known as MENA, which was not ultimately included in the 2020 Decennial Census questionnaire. The Committee also expects that questions on sexual orientation and gender identity will also be examined for possible inclusion in the 2030 Decennial Census questionnaire.

NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends \$45,500,000 for the National Telecommunications and Information Administration (NTIA), which is \$5,0590,000 above fiscal year 2020. The recommendation is distributed as shown in the table below:

Domestic and International Policy .....	\$9,224,000
Spectrum Management .....	9,752,000
Advanced Communications Research .....	10,000,000
Broadband Programs .....	16,216,000
Public Safety Communications .....	308,000
	<hr/>
Total .....	45,500,000

The recommendation adopts the Administration’s proposal to establish a new program activity, “Public Safety Communications”, intended to ensure those who serve in our State and local public safety sectors are provided with the tools and expertise needed to remain on pace with advances in technology through the NTIA’s Next Generation 911 (NG911) program. The Committee provides no less than \$2,024,000 for the overdue modernization of the most critical components of NTIA’s spectrum management system. The recommendation also includes no less than \$1,285,000 above the fiscal year 2020 level for Advanced Communications Research to upgrade equipment and hire additional staff to support NTIA’s work on 5G telecommunications systems.

*Telecommunications Role in Hate Crimes.*—The Committee looks forward to receiving the report regarding the role of telecommunications in hate crimes as directed in House Report 116–101. The Committee reiterates its concern about this issue and reminds NTIA to include the myriad new forms of telecommunications in its analysis. NTIA shall provide a briefing to the Committee on its progress within 90 days of the enactment of this Act.

*Rural Broadband Coordination.*—The Committee continues prior year direction to NTIA to coordinate with the Rural Utilities Service, the Federal Communications Commission, and other related Federal agencies to coordinate with one another, as well as the rural communications industry, to identify and pursue ways to continue sustainable broadband deployment and adoption, and to ensure that policies tied to one Federal program do not undermine the objectives and functionality of another. Further, the Committee continues to encourage NTIA to place equal priority on the deployment of the Nationwide Public Safety Broadband Network (NPSBN) in rural communities as it does in urban areas.

*Spectrum Management for Science.*—The Committee recognizes that ensuring access to key portions of spectrum for radio astronomy observations, environmental observations, and other scientific purposes is essential for scientific discovery. The Committee encourages NTIA, in coordination with FCC and other appropriate stakeholders, to preserve spectrum access for scientific purposes as commercial use of radio spectrum increases. The Committee looks forward to the report highlighting NTIA’s ongoing efforts on this front.

*Policy and Technical Training.*—The Committee encourages NTIA to work with the FCC and the Department of State to pro-

vide support for activities provided under section 7 of Public Law 98–549. As part of these activities, NTIA may provide assistance and guidance in policy and technical training to impart best practices to information technology professionals from developing countries.

*National 5G Strategy.*—The Committee supports the development of secure 5G networks that are developed using technology and equipment that is verified to be secure from foreign surveillance or influence. The Committee believes it is in the best interest of the national and economic security of the United States to implement a strong national 5G strategy as outlined in Public Law 116–129.

#### UNITED STATES PATENT AND TRADEMARK OFFICE

##### SALARIES AND EXPENSES

###### (INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$3,695,295,000 for the United States Patent and Trademark Office (PTO), the full amount of fiscal year 2021 fee collections estimated by the Congressional Budget Office. PTO shall continue to provide monthly reports to the Committee on PTO’s actual and projected fee collections, application volumes, performance, and staffing.

*Patent End-2-End (PE2E).*—PTO shall continue to provide quarterly reports to the Committee on the status of PE2E, including the proposed retirement of legacy systems, cost savings associated with those retirements, and any efficiencies achieved in patent processing because of these investments.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee recommends \$1,044,000,000 for National Institutes of Standards and Technology (NIST). In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$66,000,000 for NIST to prevent, prepare for, and respond to coronavirus, including \$6,000,000 to support continuity of operations and measurement science to support viral testing and biomanufacturing; \$50,000,000 for Hollings Manufacturing Extension Partnership to assist manufacturers; and \$10,000,000 for the National Network for Manufacturing Innovation (also known as “Manufacturing USA”) to support development and manufacturing of medical countermeasures and biomedical equipment and supplies.

##### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

###### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$789,000,000 for NIST’s Scientific and Technical Research and Services (STRS) programs, which is \$35,000,000 above fiscal year 2020 and \$136,973,000 above the request. The recommendation rejects the proposed reductions to Advanced Manufacturing and Material Measurements; Fundamental Measurement, Quantum Science, and Measurement Dissemination; Advanced Communications, Networks, and Scientific Data Systems; Health and Biological Systems Measurements; Physical In-



frastructure and Resilience; NIST User Facilities; Office of Special Programs; Standards Coordination Office; and the NIST Center of Excellence Program and instead provides no less than the fiscal year 2020 level for these programs.

*Quantum Information Science.*—The Committee provides no less than \$8,000,000 above the fiscal year 2020 level for Quantum Information Science, as authorized in the National Quantum Initiative Act to support and expand basic and applied quantum information science and technology research and development (R&D) of measurement science and standards. Further, the Committee encourages NIST to expand its collaboration with other entities, including industry, universities, and Federal laboratories, to help advance the field of quantum information science and engineering.

*Artificial Intelligence.*—The recommendation includes no less than \$10,000,000 above the fiscal year 2020 level to continue NIST's research efforts related to Artificial Intelligence (AI), which has the potential to produce transformative technologies and scientific breakthroughs that will improve Americans' lives.

*Framework for Managing AI Risks.*—The Committee recognizes the economic, national security, and societal impacts of artificial intelligence (AI) and the importance of maintaining U.S. leadership in AI development and implementation. The Committee believes that coordination is needed between the Federal government and stakeholder organizations to ensure that AI initiatives support reliable, robust, and trustworthy systems. Within the increase provided for AI, the Committee directs NIST to establish a multi-stakeholder process to identify the necessary steps needed to develop a framework for managing risks related to the reliability, robustness, and trustworthiness of AI systems. Within 180 days of enactment of this Act, NIST shall establish the process by which it will engage with stakeholders, and identify the timeline needed to develop the framework. NIST shall provide the Committee with biannual updates on the progress of these efforts until the framework is finalized and publicly available.

*Data Characterization Standards in AI.*—The recommendation encourages NIST to create a plan for interagency engagement with the private sector for the development of standards for data characterization for AI—which, for example, can ensure proper sample data attribution to help when querying different features to build auto detection models—as part of the work to support reliable, robust, and trustworthy systems that use AI technologies.

*U.S. Leadership in AI.*—The Committee commends NIST for the completion of the plan, “U.S. Leadership in AI,” and encourages NIST to implement its recommendations, as appropriate. Further, the Committee directs NIST, on behalf of the Department, and in consultation with the Office of Personnel Management, the Interagency Committee on Standards Policy, other interagency groups, and Federal agencies, as NIST considers appropriate, to develop a clear career development and promotion path that recognizes and encourages participation in and expertise in AI standards development within the Federal workforce. NIST is also directed, in coordination with appropriate Federal agencies, to understand AI standards strategies and initiatives of standards organizations, foreign governments and entities, to the extent practicable. No less than 180 days after the enactment of this Act, the Department shall

submit a report to the Committee on the steps it has taken to implement the recommendations of the U.S. Leadership in AI plan.

*Greenhouse Gas Program and Urban Dome Initiative.*—The Committee recognizes the significant value in NIST's Greenhouse Gas Program and Urban Dome initiative that seeks to leverage existing high-spatial density regional monitoring networks and external R&D partnerships. These cost-effective capabilities substantially expand and broaden NIST laboratory capabilities for investigating and developing measurement tools that support independent means for determining the accuracy of emissions inventory data at urban and regional scales. The Committee has included no less than \$500,000 above the fiscal year 2020 level of funding for the Greenhouse Gas Program and Urban Dome Initiative to continue and expand sensor network deployments.

*Cybersecurity and Privacy.*—The proliferation of data generation, storage, and usage associated with the digital economy is making it increasingly important to protect that data with effective cryptography and privacy standards. The Committee is concerned that individual, corporate, and public-sector data privacy is continuously at risk from attacks by individual actors, criminal organization, and nation-states. The Committee urges NIST to address the rapidly emerging threats in this field by furthering the development of new and needed cryptographic standards and technologies.

*National Initiative for Cybersecurity Education.*—The Committee notes with concern the shortage of cybersecurity professionals across the government and private sector, from entry level applicants to experienced professionals. The Committee therefore supports the National Initiative for Cybersecurity Education (NICE) and directs NIST to provide resources commensurate with the prior fiscal year for this effort.

*Measurement Science Research for Advanced Manufacturing.*—The Committee recognizes the critical importance of NIST's measurement science research to promote U.S. innovation and industrial competitiveness, specifically for advanced manufacturing methods and systems that help the Nation's manufacturers to invent, innovate, and create. The Committee directs the Institute to prioritize new STRS funds to achieve fundamental scientific understanding of manufacturing processes and equipment and to enable new smart manufacturing systems capabilities for high-priority metals-based additive manufacturing, manufacturing robotics, and cybersecurity for industrial control systems. The Committee acknowledges that collaborations with the private and public sectors, academic organizations, and standards development bodies will help to advance and disseminate measurement science research and support to U.S. manufacturers. The Committee provides up to \$5,000,000 for competitive external grants for academic institutions to support research, development, and workforce training to overcome barriers to high-volume additive manufacturing of metals.

*Textile research.*—The Committee recognizes the importance of the U.S. textile industry and encourages NIST to pursue advanced textile and apparel research, including manufacturing techniques.

*Calibration Laboratory for Oceanographic Sensors.*—The Committee recognizes a critical need for capacity in calibration of ocean sensors that is inhibiting maximum use of ocean sensing tech-

nologies. The Committee encourages NIST to support these technologies.

*Pyrrhotite in Concrete Aggregate.*—The Committee continues to be concerned that concrete foundations can crack and cause serious structural damage to the buildings they support. To address this threat, the recommendation provides no less than \$2,000,000 to partner with academic institutions to study and develop a reliable and cost-effective standard for testing for the presence of excessive pyrrhotite in concrete used in residential, commercial, and municipal structures and a standard for the amount of pyrrhotite that requires mitigation efforts. These research and standards-setting efforts are needed due to the ongoing uncertainty regarding what level of pyrrhotite can cause concrete foundations to become structurally unsound, and what if anything can be done to slow, delay, or stop such damage.

*Forward Looking Building Standards.*—The Committee is concerned about how climate change will impact the built environment, and that standards previously set with an assumption of a stable climate system will expose many Federal and non-Federal investments to significant, but avoidable, risk. Therefore, the Committee directs NIST, in collaboration with other appropriate Federal agencies and interested non-Federal parties, to identify a consistent and authoritative set of climate information that emphasizes forward-looking climate data and projections that should be utilized in the standard-setting process. This effort shall serve to aid both Federal and non-Federal bodies to develop standards, building codes, and voluntary standards that take into account increasingly extreme weather events and other climate change challenges.

*Regenerative Medicine Standards.*—The Committee commends NIST, the Food and Drug Administration, and the Standards Coordinating Body for continued work to implement the regenerative medicine standards provisions enacted under the 21st Century Cures Act (Public Law 114–255). Currently, work is underway to develop processes and criteria for identifying, prioritizing, and assessing the quality, safety, feasibility, and cost-benefit of such standards. The Committee provides \$5,000,000 for NIST to improve measurement assurance and standards coordination for regenerative therapies, including: establishing a regenerative medicine assay validation and innovation core to provide laboratory support for evaluation of standardized assays, and conducting inter-laboratory studies to improve measurement assurance and develop appropriate reference materials.

*Forensic Sciences.*—The Committee provides \$22,500,000 for forensic science research, \$3,700,000 above the fiscal year 2020 level. Within these funds, the Committee provides no less than \$3,150,000 to support the Organization of 22 Scientific Area Committees, and no less than \$1,200,000 to support technical merit evaluations previously funded by transfer from the Department of Justice.

*5G Telecommunications.*—The Committee notes the importance of the development of 5G telecommunications technologies as a matter of job creation, economic development, and national security, and supports the goal to ensure American leadership in this field. In support of these efforts, the recommendation includes

\$1,400,000 above the fiscal year 2020 level. Further, the Committee recognizes the importance of efficient spectrum allocation and use in the development of new broadband intensive technologies such as 5G networks. The Committee urges the National Institute of Standards and Technology in consultation with National Telecommunications and Information Administration to prioritize research and development funding to increase spectrum efficiency to ensure effective and speedy national rollout of 5G U.S. telecommunication networks.

*Direct Air Capture and Carbon Dioxide Removal.*—The Committee includes \$3,500,000 for direct air capture and carbon dioxide removal research, specifically to increase work on developing standard reference materials and test procedures for direct air capture as well as to increase support for carbonate materials development, testing, and certification for construction markets.

*Disaster Resilience Research Grants.*—The Committee rejects the proposed elimination of Disaster Resilience Research Grants and instead provides no less than the fiscal year 2020 level.

*Malcolm Baldrige Performance Excellence Program.*—The Committee recognizes the value of the Baldrige Program and the impact that it has on the performance of organizations that adopt its best practices. Therefore, the Committee provides \$2,500,000, an increase of \$300,000 above fiscal year 2020, for the Malcolm Baldrige Performance Excellence Program to expand its e-learning capability.

*Cybersecurity Conformity Assessment Programs.*—The Committee instructs NIST, in collaboration with other relevant organizations, to report to the Committee no later than 270 days after the enactment of this Act on challenges and approaches to establishing and managing voluntary cybersecurity conformity assessment programs for information and communication technologies including federal cloud technologies.

#### INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommends \$170,000,000 for Industrial Technology Services, which is \$8,000,000 above fiscal year 2020 and \$144,748,000 above the request. The Committee rejects the Administration's proposed elimination of the Manufacturing Extension Partnership (MEP) program and instead provides \$153,000,000 for MEP, \$7,000,000 above the fiscal year 2020 level. The increase from the prior year shall be distributed equitably among the 51 MEP Centers based on the respective number of regional partners. The recommendation also includes \$17,000,000 for the National Network for Manufacturing Innovation, also known as "Manufacturing USA."

*Cybersecurity Training.*—Within the increase to MEP, the Committee directs NIST to maintain the core services of the MEP and encourages NIST to utilize existing expertise within its Information Technology Laboratory to increase cybersecurity technical training to small manufacturers to strengthen their cybersecurity capabilities given the troubling threats from state and non-state actors and other emerging threats.

## CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommends \$85,000,000 for NIST construction. NIST shall continue to provide updates on the projects funded within this account, to include milestones and total amount of funding necessary for completion.

*Safety, Capacity, Maintenance, and Major Repairs (SCMMR).*—Within the amount provided for Construction of Research Facilities, the agreement includes no less than \$75,000,000 for NIST to address its most pressing SCMMR projects.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The Committee recommends a total of \$5,454,068,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA), which is \$101,890,000 above fiscal year 2020 and \$827,661,000 above the President's request. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$20,000,000 for NOAA to prevent, prepare for, and respond to coronavirus as well as \$300,000,000 for Assistance to Fishery Participants to offset economic injury precipitated by the coronavirus.

The Committee's program and project recommendations for NOAA are included in the consolidated funding tables below and in narrative direction throughout this report. The Committee reminds NOAA that any deviations from the amounts included in the table below are subject to section 505 requirements of this Act. When executing its budget for fiscal year 2021, NOAA shall incorporate the funding levels established in both the table and the narrative direction. NOAA is reminded that comity has existed between the Congress and the Executive Branch with respect to abiding by language included in this report and in the accompanying bill. The Committee expects NOAA to respect this long-standing practice.

*Tribal Allocation of CARES Act Funds.*—The Committee is aware of concerns raised by Native American tribes regarding the lack of formal government-to-government consultation and the methodology used by NOAA to allocate funds provided in Sec. 12005 of the CARES Act (Public Law 116–136) which relied on annual revenues by sector rather than recorded losses to determine proportional allocations. The Committee reminds NOAA of its responsibility to uphold Federal treaty and trust obligations during all engagements with tribal interests, regardless of any exigent circumstances.

*Sexual Assault and Sexual Harassment.*—The Committee remains highly concerned by the threat of sexual assault and sexual harassment faced by individuals in the workplace, especially those in nontraditional work settings such as NOAA research vessels or private fishing vessels. The Committee appreciates the initial steps NOAA has taken in addressing these threats. To further this work, the Committee provides no less than \$1,700,000 above the fiscal year 2020 level and directs NOAA to prioritize and expedite the hiring of staff to reduce these risks and to provide assistance and counseling to victims.

*Extramural research.*—The Committee continues to support NOAA's ongoing collaboration with academia and the private sector

through cooperative institutes and competitive research. These relationships build broad community engagement, leverage external funding for mission-oriented research, strengthen the science within NOAA, and advance scientific knowledge.

*Shellfish genetics.*—The recommendation includes up to \$10,000,000 to improve shellfish survival and growth rates and to classify and preserve the natural genetic variation of shellfish. NOAA is encouraged to support regional partnerships to classify and preserve natural genetic variation in shellfish. Further, the Committee encourages NOAA to examine the feasibility of tracking its efforts at the species level.

*Mississippi River Restoration and Resiliency Strategy.*—The Committee recognizes that the Mississippi River basin from Minnesota to Louisiana is a vital American waterway. Therefore, the Committee urges NOAA to participate and coordinate as an essential Federal stakeholder with the Environmental Protection Agency on developing a Mississippi River restoration and resiliency strategy focused on improving water quality, restoring habitat and natural systems, improving navigation, eliminating aquatic invasive species, and building local resilience to natural disasters.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends a total program level of \$4,142,330,000 under Operations, Research, and Facilities (ORF) for the coastal, fisheries, marine, weather, satellite, and other programs of NOAA. This total funding consists of \$3,871,659,000 in direct appropriations, a transfer of \$253,171,000 from balances in the “Promote and Develop Fishery Products and Research Pertaining to American Fisheries” account and \$17,500,000 derived from recoveries of prior year obligations. The direct appropriation of \$3,871,659,000 is \$107,720,000 above fiscal year 2020 and \$706,535,000 above the President’s request.

The following narrative and tables identify the specific activities and funding levels included in this Act.

*National Ocean Service.*—The recommendation provides \$625,406,000 for National Ocean Service (NOS) Operations, Research, and Facilities, an increase of \$26,450,000 above the fiscal year 2020 level and \$244,370,000 above the President’s request. Given the increasingly troubled state of the oceans, the Committee finds the request to reduce NOS funding by 36 percent as compared to fiscal year 2020 to be dramatically inappropriate. The Committee instead invests in programs within NOS that aim to enhance the resiliency of coastal assets and to understand and mitigate the changing ecological threats to our oceans and the Great Lakes to meet the increased need.

NATIONAL OCEAN SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Navigation, Observations and Positioning:	
Navigation, Observations and Positioning .....	\$160,456
Hydrographic Survey Priorities/Contracts .....	32,000

NATIONAL OCEAN SERVICE—Continued  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Integrated Ocean Observing System Regional Observations .....	40,500
Navigation, Observations and Positioning .....	232,956
Coastal Science and Assessment:	
Coastal Science, Assessment, Response and Restoration .....	88,500
Competitive External Research .....	22,000
Coastal Science and Assessment .....	110,500
Ocean and Coastal Management Services:	
Coastal Zone Management and Services .....	47,700
Coastal Management Grants .....	78,000
National Coastal Resilience Fund (Title IX) .....	36,000
Coral Reef Program .....	34,000
National Estuarine Research Reserve System .....	28,250
Sanctuaries and Marine Protected Areas .....	58,000
Ocean and Coastal Management and Services .....	281,950
Total, National Ocean Service, Operations, Research, and Facilities .....	\$625,406

*Navigation, Observations, and Positioning.*—The Committee provides \$160,456,000 for Navigation, Observations, and Positioning, \$1,000,000 above the level provided in fiscal year 2020. The recommendation rejects the proposed elimination of the competitive Regional Geospatial Modeling Grants program and the Joint Ocean and Coastal Mapping Centers. The Committee additionally continues funding for the Physical Oceanographic Real-Time System (PORTS), at no less than the fiscal year 2020 level.

*Hydrographic Survey Priorities/Contracts.*—The Committee rejects the proposed reduction to Hydrographic Survey Priorities/Contracts and directs NOAA to maintain its prior year level of effort.

*Integrated Ocean Observing System.*—The recommendation includes \$40,500,000 for Integrated Ocean Observing System (IOOS) Regional Observations and rejects the elimination of IOOS grants. The Committee supports IOOS's efforts to expand its use of underwater gliders and encourages NOAA to fill critical gaps in the current surface mapping system and to ensure streamlined access to data for weather forecasting, detection of ecological phenomena, and safe maritime operations.

The Committee provides \$2,000,000, from within the funds allocated for IOOS, to continue and expand the pilot program launched in fiscal year 2020 for IOOS to enhance the nation's capacity for monitoring and detection of Harmful Algal Blooms (HABs) by leveraging the expertise of the IOOS regional associations—including through expanding the deployment of in-situ observing assets—in order to improve HABs warning and forecast accuracy. IOOS is directed to coordinate with the National Centers for Coastal Ocean Science on the implementation of these funds.

*Coastal Science, Assessment, Response, and Restoration.*—The Committee provides \$88,500,000 for Coastal Science Assessment, Response, and Restoration, and rejects the proposed reductions to Response and Restoration activities. The recommendation includes

no less than \$9,000,000 for the Marine Debris program to address the pervasive problem of marine pollution in coastal waters around the country. The Committee encourages NOS to coordinate with States, territories, and local communities on efforts to remove debris from the marine environment and the Great Lakes, with a goal of developing a cost-effective programmatic solution to land-generated marine debris.

Further, the Committee rejects the proposed elimination of the National Centers for Coastal Ocean Science (NCCOS). The Committee instead provides NCCOS no less than \$2,000,000 above the fiscal year 2020 level to expand the regular monitoring of coastal and nearshore areas to increase understanding of the movement and severity of natural phenomena such as HABs and hypoxia—especially where insufficient data is currently available to provide high resolution and high frequency ecological forecasts. As part of this work, the Committee encourages NOAA to expand partnerships with academic institutions, the private sector, State governments, and other Federal agencies. The Committee also encourages NOAA to work with stakeholders to improve the transition of observational data to operational use in order to advance public education, understanding, and preparedness for HAB and hypoxia events. For all HABs-related work, NOAA shall coordinate with the Interagency Working Group of the Harmful Algal Bloom and Hypoxia Research and Control Act.

*Sea Level Rise.*—The Committee is concerned by the increasing threat posed to coastal communities and assets of the Nation by sea level rise and the resultant increase in coastal flood risk. The recommendation includes no less than an increase of \$600,000 above fiscal year 2020, within Coastal Science, Assessment, Response, Restoration, to initiate and accelerate efforts to create a National Coastal Data Information System which includes (1) combining existing observations, modeling, predictions, products and services into an integrated framework for producing and maintaining authoritative and timely data, maps and information services which quantify and communicate coastal flood risk to the US States and territories; (2) developing and strengthening partnerships with organizations that represent end users within coastal communities, including other Federal agencies, to better assess information gaps and needs; and (3) producing new information products and services, targeted to end-user needs, that allow coastal communities across the U.S. to plan for coastal flood risk today, next year, and for decades to come. NOAA shall, not less than 180 days after the enactment of this Act, provide the Committee with a holistic analysis of the need to expand observations, modeling, predictions, products and services to (1) improve the understanding of changing coastal flood risk, including impacts of sea level rise, (2) maintain and update this information on a regular cadence and (3) track and report how observed rates of sea level rise compare to the sea level rise predictions published within the National Climate Assessments.

*Harmful Algal Blooms.*—The Committee remains highly concerned about the increasing prevalence of harmful algal blooms (HABs) in every U.S. State and territory and the corresponding impacts on human health, drinking water, fisheries, and the broader economy. The Committee therefore directs NMFS to continue its



research into HABs at the fiscal year 2020 enacted level. Further, the Committee provides \$22,000,000 for Competitive Research, including not less than \$14,000,000 for HABs research. This research should prioritize further development of methods of prevention, mitigation, and control to reduce the frequency, severity, and impacts of HAB events in freshwater and saltwater systems and provide special attention to research in areas most economically and environmentally impacted by HABs. The Committee encourages NOAA to work to ensure that new technology and mitigation efforts have minimal environmental impacts.

NOAA shall also explore research into the impacts on HAB timing, duration, and toxicity of nutrient pollution such as nitrogen and phosphorus as they enter coastal areas from tributaries that could lead to more accurate forecasts to the benefit of recreational and commercial fishing, recreation, and coastal drinking water plants. NOAA shall provide a report to the Committee within 180 days of the enactment of this Act that assesses its existing deployed capabilities and prior scope of work regarding the monitoring and management of nutrient runoff and its associated effect on HABs, including a delineation of how modeling is aided by data from other Federal partners. In addition, the report shall identify how NOAA is coordinating with other agencies that are part of the Harmful Algal Bloom and Hypoxia Research and Control Act Task Force in monitoring and mitigating the HAB crisis in various water systems.

*Seafloor Mapping.*—The Committee encourages NOS to perform high-priority, cooperative habitat mapping in currently unmapped and disaster-prone areas, with priority given to areas where oil exploration is under consideration to better understand long-term implications.

*Blue Carbon.*—The Committee notes the importance of the coastal zone as a potential carbon sink and the increased public interest in blue carbon. NOAA shall expand their efforts to understand the relative emissions and absorption of carbon pollution associated with various human activities in the coastal zone so as to inform future planning decisions regarding their carbon impacts.

*Coastal Zone Management.*—The Committee provides \$47,700,000 for Coastal Zone Management and Services. The recommendation rejects the reduction to Integrated Water Prediction, and instead provides no less than the fiscal year 2020 level. Within these funds, the recommendation also includes \$2,000,000 for Regional Ocean Data Portals.

*Ocean Economy of the Territories.*—The Committee supports NOAA's efforts to calculate and characterize the U.S. ocean and Great Lakes economy. However, the Committee is concerned that these estimates do not capture the ocean economies of the five U.S. territories. The Committee therefore provides an additional \$700,000 within Coastal Zone Management and Services and directs NOAA to take all reasonable steps to expand the scope of the Economics: National Ocean Watch (ENOW) dataset so that it includes the island territories, and to submit a report detailing these efforts within 180 days of the enactment of this Act.

*Coastal Zone Management Grants and the National Coastal Resilience Fund.*—The Committee does not approve the Administration's proposed elimination of the Coastal Zone Management (CZM)

Grants and the National Coastal Resilience Fund (NCRF), which are critical programs for preparing coastal areas for measurably rising sea levels. The recommendation instead includes \$78,000,000 for CZM Grants and \$36,000,000 for the NCRF, including for project planning and design, including watershed scale planning and technical assistance to identify where and what specific coastal resilience projects will provide the greatest benefit in preparation for expected climate impacts, such as sea level rise.

*Coral Reefs.*—The Committee is greatly concerned by the deterioration of the Nation’s coral reefs, which are suffering from record levels of bleaching and disease. The recommendation therefore includes \$34,000,000, which is \$7,893,000 above the President’s request for the Coral Reef Program. The Committee also rejects the proposed reduction for Innovative Coral Reef Restoration Initiatives.

Within the increase provided for the Coral Reef Program, NOAA shall prioritize active restoration of bank barrier coral reef ecosystems in U.S. waters. NOAA is directed to expand its collaborative work with external academic partners that conduct scientific research for the conservation of corals and coral reef ecosystems, including those that are experiencing an increasing prevalence of disease outbreaks. Examples of this work include identifying the pathogens causing the disease, conducting appropriate disease interventions and remediations, researching resilient coral species and disease-resistant genetic strains of corals, and supporting restoration of appropriate and diverse coral species. The Committee recognizes that science sponsored through such collaboration is imperative for management of these coral reefs for ecosystem resilience and for the effective implementation of the National Coral Reef Action Strategy, especially with regard to the identification of local action strategies for addressing key threats in each of the jurisdictions that have coral reefs within its boundaries.

NOAA shall provide to the Committee, no later than 180 days after the enactment of this Act, a report on the latest scientific tools and technologies available to conserve coral germplasm and genetic material of coral reef species. The report shall address the feasibility of a national strategy of establishing physical biorepositories that can preserve genetic material for coral reef propagation and restoration practices.

*National Estuarine Research Reserve System (NERRS).*—The Committee rejects the proposed elimination of the National Estuarine Research Reserve System and instead provides \$28,250,000 for this important partnership between NOAA and the coastal States and territories that protects and studies estuarine systems.

*Sanctuaries and Marine Protected Areas.*—The Committee provides \$58,000,000 for Sanctuaries and Marine Protected Areas, which is \$3,078,000 above the President’s request. The Committee urges the Office of National Marine Sanctuaries to initiate the multi-year marine sanctuary designation process for marine sites currently under inventory and ensure all stakeholders and the public are fully engaged in developing the parameters of a future designation. Within 180 days of enactment of this Act, the Committee directs NOAA to submit a report on the steps taken to initiate the multi-year marine sanctuary designation process for successfully

nominated marine sites currently in inventory, and the estimated timeline for the designation process.

*Marine National Monuments.*—Within funding provided for National Marine Sanctuaries, up to \$1,200,000 may be used for competitive research and management grants for existing marine national monuments administered by NOS, provided such grants are subject to a 100 percent non-Federal match. The Committee further directs NOAA to submit a report to the Committee no later than 180 days after the enactment of this Act on the research that is ongoing, has been completed, and is planned for Marine National Monuments administered by NMFS. NOAA shall engage with relevant science community stakeholders including, but not limited to, governmental, academic and non-governmental organization scientists, to determine the gaps in the research of these Monuments and make recommendations for research priorities, to be included in such report.

*Derelict Fishing Gear.*—The Committee recognizes that derelict fishing gear (DFG) harms marine life through ghost fishing and poses a significant threat, especially to protected and native species. NOAA is therefore encouraged to study the impacts of DFG on marine life and natural habitats in the waters of the United States, including those surrounding U.S. territories, especially Marine National Monuments and the National Estuarine Research Reserves.

*National Marine Fisheries Service.*—The Committee recommends \$967,586,000 for National Marine Fisheries Service (NMFS) Operations, Research, and Facilities, which is \$125,911,000 above the President's request. NMFS shall continue to provide quarterly updates to the Committee consistent with direction in fiscal year 2020.

NATIONAL MARINE FISHERIES SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Protected Resources Science and Management:	
Marine Mammals, Sea Turtles and Other Species .....	\$127,905
Species Recovery Grants .....	7,000
Atlantic Salmon .....	6,500
Pacific Salmon .....	67,250
Protected Resources Science and Management .....	208,655
Fisheries Science and Management:	
Fisheries and Ecosystem Science Programs and Services .....	150,018
Fisheries Data Collections, Surveys and Assessments .....	173,709
Observers and Training .....	50,000
Fisheries Management Programs and Services .....	124,500
Aquaculture .....	15,250
Salmon Management Activities .....	59,643
Regional Councils and Fisheries Commissions .....	46,446
Interjurisdictional Fisheries Grants .....	3,365
Fisheries Science and Management .....	622,931
Enforcement .....	77,000
Habitat Conservation and Restoration .....	59,000

NATIONAL MARINE FISHERIES SERVICE—Continued  
 OPERATIONS, RESEARCH, AND FACILITIES  
 (In thousands of dollars)

Program	Amount
Total, National Marine Fisheries Service, Operations, Research, and Facilities .....	\$967,586

*Climate-Ready Fisheries.*—The Committee directs the Government Accountability Office (GAO) to issue a report to Congress not later than one year after the enactment of this Act examining efforts by NMFS, the Regional Fishery Management Councils (RFMC), and the Atlantic States Marine Fisheries Commission (ASMFC) to prepare and adapt Federal or jointly-managed fisheries to the impacts of climate change. The report shall examine whether these entities have taken steps to prepare and respond to the impacts of climate change and if any guidance issued to the RFMCs by NMFS on climate impacts has been utilized by fishery managers. The report shall also make recommendations for addressing (1) the most significant funding shortfalls; (2) the most important social, ecological, and other knowledge gaps preventing action; (3) how these entities can better prepare associated fishing industries and dependent communities for the impacts of climate change; and (4) how to enhance the capacity of NMFS to monitor and incorporate climate-related changes to fishery management.

*Consistent Application of Regulations.*—The Committee looks forward to receiving the report requested in fiscal year 2020 regarding the consistent application of regulations across NMFS regions and directs NMFS to expedite the report’s completion.

*Marine Mammals, Sea Turtles, and Other Species.*—The recommendation includes \$127,000,000 for Marine Mammals, Sea Turtles, and Other Species. Within this amount, the Committee provides no less than the fiscal year 2020 level for Endangered Species Act and Marine Mammal Protection Act Permitting Capacity and no less than \$4,000,000 for the John H. Prescott Marine Mammal Rescue Assistance grant program.

*Sea Turtles.*—The Committee provides no less than the fiscal year 2020 amount for NMFS to continue scientifically advisable operations of, and full funding for, ongoing work on endangered and threatened sea turtle conservation, including captive sea turtle rearing and Turtle Excluder Device research and certification to reduce sea turtle bycatch. NOAA committed to Congress that it would continue its sea turtle stranding and rehabilitation programs until it found suitable non-governmental partners to take over this program in full. Therefore, NMFS is directed to maintain adequate capacity of the sea turtle stranding and rehabilitation program until it can assure Congress that those critical activities have been fully transferred to partner organizations.

*Southern Resident Killer Whales.*—The Committee provides not less than the fiscal year 2020 amount for the Southern Resident Killer Whales program for research and monitoring to improve the recovery of the species.

*Foreign Fisheries.*—The Committee provides \$1,000,000 to NMFS to ensure sufficient implementation of the Fish and Fish Product Import Provisions Section 101(a)(2) of the Marine Mammal Protection Act. NMFS shall use these funds to analyze the data provided

by nations and to provide technical assistance to nations to comply with these provisions. NMFS shall prioritize the use of any funds for technical assistance to those fisheries interacting with endangered species. NMFS may use contractors to ensure that deadlines are met, but shall prioritize hiring staff with the increased funds for this initiative.

*North Atlantic Right Whale.*—The Committee remains concerned that North Atlantic right whale populations continue to be critically low. Therefore, the Committee rejects the President’s proposal to reduce funds and instead provides not less than \$2,000,000 above the amount provided in fiscal year 2020 for research and monitoring of North Atlantic right whales. These additional funds shall be dedicated to (1) increasing aerial surveys and fixed and mobile acoustic monitoring to improve understanding of the species’ full range and the timing of migration within that range; (2) augmenting data collection regarding relevant fishing effort, distribution, and gear use; and (3) expanding the pilot to develop, refine, and field test innovative fishing gear technologies designed to reduce North Atlantic right whale entanglements in partnership with relevant stakeholders. Further, the Committee encourages NOAA to develop a habitat suitability index and long-term tagging methods. The recommendation also includes \$300,000 from the amount provided for Fisheries Data Collections, Surveys, and Assessments to continue to support a continuous plankton recorder survey consistent with direction provided in fiscal year 2020.

*Species Recovery Grants.*—The Committee rejects the proposed reduction for Species Recovery Grants and recommends \$1,010,000 above the President’s request.

*Hatchery and Genetic Management Plans.*—The Committee provides \$67,250,000 for Pacific Salmon, \$3,014,000 above the requested level, and rejects the reduction to Hatchery and Genetic Management Plans (HGMPs). Instead, the recommendation provides no less than \$5,000,000 within Pacific Salmon to implement NMFS’ comprehensive plan to address the backlog of HGMPs as specified in House Report 116–101. NMFS shall provide the Committee with an update, not later than 90 days after the enactment of this Act, on progress in reducing the backlog.

*Fisheries and Ecosystem Science Programs and Services.*—The Committee provides \$150,018,000 for Fisheries and Ecosystem Science Programs and Services and rejects the proposed elimination of Antarctic Research, Fisheries Science Activities, and Northeast Groundfish Research and provides funding at no less than the fiscal year 2020 level for each of these programs.

*Fisheries Data Collections, Surveys, and Assessments.*—The Committee provides \$173,709,000 for Fisheries Data Collections, Surveys, and Assessments, \$9,657,000 above the request. Within these funds, no less than \$24,000,000 is provided for Fisheries Information Networks, the State-Federal cooperative programs that coordinate data collection, data management, and informational management essential for accurate monitoring of commercial and recreational fishing impacts. The recommendation does not adopt the proposed reduction for Cooperative Research and continues funding for this activity at no less than the fiscal year 2020 level. The Committee encourages NMFS to support collaborative programs focused on improving recreational fishery data collection. The recommenda-

tion also directs NMFS to deliver technical support, as needed, to the Gulf States to prioritize and ensure successful implementation of each State plan.

*South Atlantic Reef Fish.*—NMFS is encouraged to leverage efficiencies learned through the Gulf of Mexico red snapper process to better the science and management of the South Atlantic red snapper and other reef fish. NMFS shall consider employing the independent and alternative stock assessment strategies used in the Gulf of Mexico to supplement NMFS assessments of reef fish in the South Atlantic. The Committee provides up to \$1,800,000 for these activities and encourages NMFS to incorporate this data into the agency's own stock assessments as expeditiously as possible.

*Fisheries Management Programs and Services.*—The Committee rejects the harmful proposals to reduce base funds to the Fisheries Management Programs and Services, the Seafood Import Monitoring Program, and provides no less than the fiscal year 2020 level for these activities. The recommendation does not adopt the proposed reduction to Electronic Monitoring and Reporting and instead provides no less than the fiscal year 2020 level for these efforts to continue nationwide. The Committee reminds NOAA that catch share programs reduce harmful competition between fishing vessels, thereby helping to reduce occupational hazards, avoid market gluts, maximize profits, and reduce ecological damage. The Committee therefore rejects the proposed reduction of funding and provides no less than the fiscal year 2020 level for the National Catch Share Program.

Additionally, within the funds provided for Fisheries Science and Management, NOAA shall develop a priority list of other species that should be considered for inclusion in the Seafood Import Monitoring Program in order to: (1) reduce human trafficking in the international seafood supply chain, (2) reduce economic harm to the American fishing industry, (3) preserve stocks of at-risk species around the world, and (4) protect American consumers from seafood fraud. NOAA shall provide this list to the Committee within 180 days of enactment of this Act.

To strengthen implementation of the Seafood Import Monitoring Program, the Committee directs NMFS to increase coordination with the Commercial Targeting and Analysis Center (CTAC) in the Department of Homeland Security to develop additional analytical tools to help identify imports that are of high risk of illegal fishing and seafood fraud to inform targeted inspections and enforcement.

*Video Review of Electronic Monitoring Data.*—Within funding provided for Fisheries Management Programs and Services, the Committee provides no less than \$400,000 for the video review of the West Coast Groundfish electronic monitoring data and \$400,000 for the video review of the Gulf of Alaska partial coverage electronic monitoring data.

*Pacific Bluefin Tuna.*—The Committee continues to be concerned with the depleted status of Pacific bluefin tuna and therefore urges NMFS to support the Management Strategy Evaluations (MSE) for Pacific bluefin tuna and other priority highly migratory species. Further, the Committee encourages NMFS to ensure a strong U.S. negotiating position on Pacific bluefin tuna recovery by providing additional resources to support engagement of the Pacific Fishery

Management Council and U.S. stakeholders to ensure continued progress on the international recovery plan.

*Oyster Restoration and Research.*—The Committee encourages NOAA to competitively select external partners to research alternative substrates for oyster restoration. NOAA shall consider survivability as part of the oyster restoration program in the Chesapeake Bay. Within Habitat Conservation and Restoration, the Committee encourages NOAA to support oyster restoration in the Chesapeake Bay.

*Salmon Management Activities.*—The Committee recommends \$1,600,000 above the fiscal year 2020 amount provided for Salmon Management Activities. The Committee rejects the proposed reductions to these activities and instead includes no less than \$36,100,000 for Pacific Salmon Treaty activities and \$23,000,000 for Mitchell Act Hatcheries that shall be executed consistent with prior year direction. NMFS shall continue to brief the Committee biannually on the implementation of the new obligations of the 2018 recertification of the Pacific Salmon Treaty as directed in fiscal year 2020.

*Regional Councils and Fisheries Commissions.*—The recommendation accepts the proposed technical transfers into Regional Councils and Fisheries Commissions, but rejects the proposed reduction in funding for this program. Further, within the funds provided for Regional Councils and Fisheries Commissions, \$250,000 is included to implement the Pacific Fishery Management Council's Fishery Ecosystem Plan (FEP) Climate and Communities Initiative and to update the FEP to support climate-ready fisheries and ecosystem-based fisheries management.

*Interjurisdictional Fisheries Grants.*—The recommendation rejects the proposed elimination of Interjurisdictional Fisheries Grants and instead provides \$3,365,000.

*Enforcement.*—The Committee provides \$77,000,000 for Enforcement, which is \$21,070,000 above the request. The Committee again rejects the proposed elimination of the Cooperative Enforcement Program that includes the execution of Joint Enforcement Agreements as well as the proposal to reduce enforcement capacity, and instead provides no less than the fiscal year 2020 level for these activities.

*Illegal Unregulated and Unreported (IUU) Fishing.*—IUU fishing is a threat to the health of the oceans, undermines honest businesses and fishers who play by the rules, and enables human trafficking, forced labor, and other criminal activity. Within the increase to Enforcement, the Committee directs NMFS to allocate a full-time employee, or its equivalent, to staff the Interagency Working Group on IUU Fishing, which was established in the FY 2020 National Defense Authorization Act (Public Law 116–92). Dedicated staffing shall ensure that the Interagency Working Group can fulfill the requirements in the Maritime SAFE Act, including the preparation of a strategic plan by December 2021. The Committee directs NOAA to provide a report to the Committee detailing costs and progress on improvements to IUU enforcement and seafood traceability since 2018 within 180 days of the enactment of this Act.

*Habitat Conservation and Restoration.*—The Committee provides \$59,000,000 for Habitat Conservation and Restoration, which is

\$19,952,000 above the request. Further, the recommendation rejects the reductions to Sustainable Habitat Management and Fisheries Habitat Grants and provides no less than the fiscal year 2020 level for each program. The Committee appreciates the progress made in reducing the backlog of essential fish habitat consultations and encourages NMFS to continue to prioritize this effort. The Committee also directs the Office of Habitat Conservation to continue to collaborate with NOS' Coral Reef Conservation program to restore coral barrier reef ecosystems.

*Lionfish.*—The Committee encourages NOAA to award competitive grants to address invasive Lionfish in the Atlantic Ocean and Gulf of Mexico.

*Horseshoe Crabs.*—Adequate data is required to ensure States and interstate managers can effectively manage the Horseshoe Crab population, which is important to the biomedical and commercial fishing industries, as well as to the ecology of the Mid-Atlantic region. The Committee directs NMFS to continue the Horseshoe Crab survey to generate the data necessary to ensure that the Horseshoe Crab stock remains on a sustainable path.

*Adapting Fisheries Management to a Changing Climate.*—The Committee notes that preparation efforts offer the potential to yield greater stability in Federal fishery management as the oceans change as a result of climate change, with benefits to fish stocks, fishermen, and fishing communities. Within the funds provided for Regional Councils and Fisheries Commissions, NOAA is encouraged to support climate-ready fishery management efforts underway by the Councils, including initiatives to conduct scenario planning and other preparation or adaptation efforts.

*Bycatch Reduction and Incidental Take Permits.*—The Committee is concerned by changing ocean conditions that are disrupting ecosystem stability, leading to increased conflicts between commercial shellfish fisheries and protected species. To resolve this conflict, the Committee encourages NMFS to ensure that it dedicates adequate resources (1) to expeditiously evaluate any application that it receives for an incidental take permit for shellfish fisheries, (2) to support the NOAA Bycatch Reduction Engineering Program for research and development of gear innovations to prevent entanglements while allowing for continued fishing in these fisheries, and (3) to continue robust participation in collaborative efforts to reduce fishing gear conflicts.

*Oceanic and Atmospheric Research.*—The Committee recommends \$584,426,000 for Oceanic and Atmospheric Research (OAR) Operations, Research, and Facilities, which represents an increase of \$36,042,000 over fiscal year 2020 and is \$257,681,000 above the request.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Climate Research:	
Laboratories and Cooperative Institutes .....	\$78,000
Regional Climate Data and Information .....	43,000
Climate Competitive Research .....	69,000



OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Climate Research .....	190,000
Weather and Air Chemistry Research:	
Laboratories and Cooperative Institutes .....	89,000
U.S. Weather Research Program .....	28,750
Tornado Severe Storm Research/Phased Array Radar .....	14,134
Joint Technology Transfer Initiative .....	14,000
Weather and Air Chemistry Research .....	145,884
Ocean, Coastal, and Great Lakes Research:	
Laboratories and Cooperative Institutes .....	37,000
National Sea Grant College Program .....	71,000
Marine Aquaculture Program .....	13,000
Ocean Exploration and Research .....	42,742
Integrated Ocean Acidification .....	16,000
Sustained Ocean Observations and Monitoring .....	46,000
National Oceanographic Partnership Program .....	5,000
Ocean, Coastal, and Great Lakes Research .....	230,742
High Performance Computing Initiatives .....	17,800
Total, Office of Oceanic and Atmospheric Research, Operations, Research, and Facilities .....	\$584,426

*Forward-looking Climate Data.*—The National Oceanic and Atmospheric Administration (NOAA) plays a vital role in providing accurate climate data and projections to other Federal agencies. Therefore, the Committee directs NOAA to identify and support the utilization by the National Institute of Standards and Technology (NIST) of an authoritative set of climate information that emphasizes forward-looking climate data and projections to be utilized by NIST in their standard-setting process. This effort shall serve to aid both Federal and non-Federal bodies to develop standards, building codes, and voluntary standards that take into account increasingly extreme weather events and other climate change challenges.

*Climate Research.*—The Committee provides \$190,000,000 for Climate Research and rejects the reductions to Climate Laboratories and Cooperative Institutes and the termination of climate research at the Atlantic Oceanographic and Meteorological Laboratory and directs NOAA to continue this work at no less than the level of funding provided in fiscal year in 2020. The recommendation further rejects the proposal to eliminate funding for the National Climate Assessment (NCA) and instead provides no less than the fiscal year 2020 level to continue this work. The Committee emphasizes that the NCA is congressionally-mandated and shall not be impeded.

*Coastal Inundation Forecasting and Resilience.*—Within funds provided for Climate Laboratories and Cooperative Institutes, the Committee directs OAR, in collaboration with NOS and other partners in the U.S. Global Change Research Program as appropriate, to develop and initiate a research agenda to improve understanding of inundation risks to coastal areas as a result of the climate crisis and to meet the information needs of decision makers as they con-

sider how to appropriately adapt and increase resilience to such impacts. OAR shall provide to the Committee, within 180 days of the enactment of this Act, a report outlining a 5-year plan for such efforts and the associated funding requirements.

*Atmospheric Baseline Observatories.*—The Committee supports the work of the Global Monitoring Laboratory and its Atmospheric Baseline Observatories, which have provided measurements of the level of carbon dioxide in the atmosphere for over 60 years that are the basis of the world-renowned Keeling Curve and whose data is used by more than 500 external partners and stakeholders. The Committee provides no less than \$1,250,000, within Climate Laboratories and Cooperative Institutes, to modernize these observatories' aging infrastructure to ensure measurement integrity and safety of the observatory facilities.

*Earth's Radiation Budget.*—The Committee provides no less than \$9,000,000 for modeling, assessments, observations, and monitoring of stratospheric conditions and the Earth's radiation budget, including the impact of the introduction of material into the stratosphere from changes in natural systems, increased air and space traffic, proposals to inject material to affect climate, and the assessment of solar climate interventions. Within these funds, the recommendation further directs OAR to improve the understanding of the impact of atmospheric aerosols on radiative forcing, as well as on the formation of clouds, precipitation, and extreme weather.

*Arctic Research.*—The Committee rejects the proposed elimination of Arctic Research and provides no less than the fiscal year 2020 level in both Regional Climate Data and Information and Climate Laboratories and Cooperative Institutes for this work.

*Regional Integrated Sciences and Assessments Program.*—The Committee rejects the termination of the Regional Integrated Sciences and Assessments Program and instead provides the program an increase of \$3,000,000, as compared to the fiscal year 2020 level, within Regional Climate Data and Information. The Committee directs NOAA to expand the geographic coverage of the program with a long-term goal of providing comprehensive decision-support services and tools to local and regional decision makers in all States and territories.

*Climate Competitive Research.*—The Committee rejects the elimination of Climate Competitive Research as well as any transfers or eliminations of activities, funds, or staff from this budget line proposed in the President's request. Instead, the recommendation includes \$69,000,000 for this critical research, which is \$6,000,000 above fiscal year 2020.

*Weather and Air Chemistry Research.*—The Committee provides \$145,884,000 for Weather and Air Chemistry Research, which is \$12,250,000 above fiscal year 2020. The recommendation rejects the proposals to close the Air Resources Lab and to decrease funding for Weather and Air Chemistry Research Laboratories and Cooperative Institutes, and instead provides no less than the fiscal year 2020 level for each of these activities. The recommendation also includes \$10,000,000 for Vortex-Southeast.

*Earth Prediction Innovation Center.*—The Committee provides \$28,750,000 for the U.S. Weather Research Program (USWRP), thereby rejecting the proposal to reduce base funding. The committee commends NOAA for efforts made to advance weather fore-

casting through the Earth Prediction Innovation Center (EPIC) program and provides \$3,500,000 above fiscal year 2020 for this program. The Committee further directs the agency to continue efforts to advance and accelerate forecasting improvements that are accessible to the public and community-based. The committee directs NOAA to include workforce, organizational, and culture change components as part of the EPIC scope and to include the adoption of more modern software engineering practices and the application of new practices in research and operations processes that infuse innovation.

*Tornado Warning Improvement and Extension Program.*—The Committee provides \$3,200,000 to create the Tornado Warning Improvement and Extension Program as authorized in the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25).

*Sensor Fusion for Snow Water Resource Management.*—The Committee supports NOAA’s activities to improve snow water resource monitoring to improve operational forecasts at NOAA’s National Water Center (NWC). The Committee encourages NOAA to pursue research activities to demonstrate and integrate into the NWC’s National Water Model accurately calibrated and validated snow water equivalent estimates at high resolution through extensive airborne and field experiments throughout the western United States.

*Severe Weather Extramural Testbeds.*—The Committee continues to support efforts at NOAA to leverage the capabilities of extramural partners as they continue to implement the Weather Research and Forecasting Innovation Act. Within the funding for Tornado Severe Storm Research/Phased Array Radar, the Committee encourages NOAA to establish a severe weather extramural testbed to focus on severe weather and to improve weather modeling and prediction, including improved convection models and use of new techniques for data assimilation and ensemble prediction. Such efforts are an important step in helping improve the path from research to operations for the NWS.

*Next Generation Phased Array Weather Radars.*—The Committee affirms NOAA’s investment in the development of advanced radar systems and technology to satisfy its weather and related requirements. Within the amount provided for Tornado Severe Storm Research/Phased Array Radar above the request, NOAA shall expand the Agency’s work on digital phased array radar systems with the goal of evolving into broader advanced radar research and applications in collaboration with current university cooperative institute partners with expertise in this area. This refined investment should also work in parallel to provide complementary but not redundant research and development to meet National Weather Service requirements and to reduce long-term operations and maintenance costs of the future national radar network.

*Ocean, Coastal, and Great Lakes Research Laboratories and Cooperative Institutes.*—The Committee provides \$37,000,000 for Ocean, Coastal, and Great Lakes Research Laboratories and Cooperative Institutes. The Committee does not approve the proposed termination of the Genomics program and instead directs NOAA to expand this work within the increased available base funds, including work on HABs with regard to real-time forecasting of HABs

and their toxicity, and testing of remote observing systems and environmental sample processors. Further, the Committee expects NOAA to fully fund these cooperative institutes at appropriate levels in future years, including well-established institutes focused on watershed impacts on marine and Great Lakes ecosystems, remote sensing, and long-term monitoring of the impacts of environmental hazards on marine and Great Lakes ecosystem health.

*National Sea Grant College Program.*—The Committee once again rejects the President’s proposal to eliminate the National Sea Grant College Program. Instead, the Committee provides \$71,000,000, including an increase of \$4,000,000 as compared to the fiscal year 2020 level for the base program that funds universities in coastal States around the country.

*Tribal Coastal Resiliency Planning.*—The Committee encourages NOAA to support mitigation and relocation efforts of coastal tribal communities that are seeking to mitigate the threat of severe weather storms and promote public safety.

*Marine Aquaculture Program.*—The Committee recognizes the importance of NOAA’s Marine Aquaculture research and development activities that help coastal communities maintain a safe and sustainable local seafood supply through research and technology transfer to support and expand America’s aquaculture industry. As such, the Committee provides \$13,000,000 for Marine Aquaculture.

*Ocean Exploration and Research.*—The Committee rejects the requested decrease in funding for Ocean Exploration and Research and instead provides \$42,742,000 and encourages NOAA to map and characterize the Nation’s Exclusive Economic Zone and Extended Continental Shelf.

*Integrated Ocean Acidification.*—The Committee is increasingly concerned about the impacts of ocean acidification on coastal communities and industries and therefore rejects the proposed reduction to the Integrated Ocean Acidification program. The recommendation instead includes \$16,000,000 for this important work. Within the increase, NOAA shall, in partnership with academia and the private sector, prioritize efforts at understanding, monitoring, and mitigating coastal ocean acidification, especially where it impacts fisheries and aquaculture.

The Committee encourages NOAA, in coordination with the Office of Science and Technology Policy, to implement a program to competitively award prizes under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) to stimulate innovation to advance the understanding, research, or monitoring of ocean acidification or its impacts, or to develop management or adaptation options for responding to ocean acidification. In prize competitions, the Committee encourages NOAA to prioritize communities, environments, or industries that are currently in distress due to the impacts of ocean acidification.

*Sustained Ocean Observations and Monitoring.*—The recommendation does not adopt the requested reduction in funds for Sustained Ocean Observations and Monitoring and instead provides \$46,000,000. Within the increase, NOAA shall expand coverage of biogeochemical and Deep Argo floats to improve ecological and sub-seasonal-to-seasonal weather forecasting as well as to provide observational data on the health and state of the ocean, particularly in the deep sea, the tropics, and the Arctic.

*Cloud Computing for Research.*—The Committee rejects the proposed reduction to Research and Development Cloud Computing Services and instead provides no less than \$6,000,000 for cloud computing for research consistent with prior year direction. The Committee further looks forward to receiving the report requested in fiscal year 2020 regarding high performance and cloud computing.

*National Weather Service.*—The Committee recommends \$1,112,073,000 for National Weather Service (NWS) Operations, Research, and Facilities, which is \$46,372,000 above the President’s Budget request. The Committee reaffirms its commitment to the weather enterprise and the necessity of maintaining the mission of protecting life and property within the Federal Government. While the Committee does not oppose the continued growth of the private weather industry, the increasing frequency and intensity of natural disasters epitomize the need for the public provision of this critical information.

NATIONAL WEATHER SERVICE  
Operations, Research, and Facilities  
(In thousands of dollars)

Program	Amount
Observations .....	\$241,000
Central Processing .....	102,538
Analyze, Forecast, and Support .....	538,000
Dissemination .....	79,112
Science and Technology Integration .....	151,423
Total, National Weather Service, Operations, Research, and Facilities .....	1,112,073

*NWS Staffing.*—The Committee remains concerned about continuing reports of staffing and management challenges within NWS. NOAA and the Department of Commerce are directed to ensure that NWS fulfills its critical mission to protect the lives and property of our Nation’s citizens, including by filling all vacancies as expeditiously as possible. In its fiscal year 2021 spend plan, NWS shall follow direction as provided in fiscal year 2020. The Committee further directs NWS to continue the quarterly briefings to the Committee first required in fiscal year 2018, and NWS shall also include information about weather forecast accuracy and efforts to improve such accuracy. Further, future NWS spend plans provided to the Committee shall include a detailed comparison, in tables and narrative descriptions, showing the prior fiscal year’s spend plan, compared with that year’s actual expenditures, with justifications for all deviations.

*Observations.*—The recommendation provides \$241,000,000 for observation activities, including not less than \$1,000,000 for Data Sharing for Integrated Global Observing System and Global Basic Observing Network. The recommendation does not adopt the proposed reductions to Marine Observations, Upper Air Observations, the Ship Observation Data Buy, NEXRAD Radome and Tower Maintenance Services, or the Weather and Ocean Platform Buoys and provides not less than the fiscal year 2020 level for each of these activities. The Committee reaffirms its support for the tsunami detection mission and provides not less than the fiscal year

2020 enacted level for the Tropical Atmosphere Ocean (TAO) Platform observations.

*National Mesonet Program.*—The recommendation includes not less than \$22,500,000 for the National Mesonet Program, \$2,300,000 above the fiscal year 2020 level, to enable the program to increase the number of observations, include new types of data, and introduce innovative capabilities to address capacity and coverage gaps.

*Central Processing.*—The recommendation includes \$102,538,000 for Central Processing while rejecting the proposed reduction to the Advanced Hydrologic Prediction Services System and the proposal to terminate 84 Information Technology Officers who are critical to the delivery of timely and actionable forecasts. No less than the fiscal year 2020 level is provided to continue these activities.

*Analyze, Forecast, and Support.*—The recommendation includes \$538,000,000 for Analyze, Forecast, and Support activities, but does not adopt the proposed NWS workforce savings that would only serve to exacerbate the staffing problems noted above. The Committee further rejects the proposed consolidation of the functions of the Climate Prediction Center and the Weather Prediction Center at the National Centers for Environmental Prediction, as well as the termination of Aviation Science Research to Operations, and provides no less than the fiscal year 2020 amount for each of these activities.

*Tsunami Warning Program.*—The Committee rejects the proposed reduction to the Tsunami Warning Program and instead provides no less than the fiscal year 2020 level for this critical program.

*Weather decadal.*—The recommendation includes no less than \$1,500,000 from within Analyze, Forecast, and Support to commission the National Academies of Sciences, Engineering and Medicine to undertake the inaugural decadal survey of the U.S. weather enterprise, to be completed not later than one year after the enactment of this Act, that shall: (1) ensure the participation of all relevant Federal agencies; (2) provide policymakers with the relevant information to prioritize investments in weather forecasting, modeling, data assimilation, and supercomputing over the next ten years; (3) assess the current US weather enterprise and how it has performed over the previous five years, including implementation of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501–8549); and (4) evaluate future potential Federal investments in science, satellites, radars, and other observation technologies, to include surface and boundary layer observations, so that all domestic users of weather information can receive data in the most efficient and effective manner possible.

*Dissemination.*—The Committee provides \$79,112,000 for Dissemination Operations, Research, and Facilities, and rejects the proposal to reduce funding for NOAA Weather Radio.

*Science and Technology Integration.*—The recommendation includes \$151,423,000 for Science and Technology Integration but approves neither the termination of COASTAL Act or Aviation Science Research to Operations, nor the reduction to Numerical Weather Prediction Modeling. No less than the fiscal year 2020 level is provided for each of these activities.

*National Water Center (NWC).*—The Committee does not adopt the termination of funding for Hydrology and Water Resources within Science and Technology Integration. Instead, the recommendation includes no less than the fiscal year 2020 level to continue research activities to improve fine and large-scale measurements of snow depth and soil moisture data that can be used to expand and improve the National Water Model and contribute directly to the mission of NOAA’s National Water Center.

*Improving River and Flood Forecasts.*—The Committee was troubled by the widespread flooding throughout the Nation in calendar year 2019. Future effective mitigation of this costly and dangerous hazard requires improved monitoring and forecasting of hydrologic conditions, including stream and river flow. Recognizing this need, the Committee encourages NOAA, in collaboration with the United States Geological Survey, to work with the extramural research community to update and improve upon its existing flooding models and forecasts, to utilize new technologies for enhanced data collection, and to enhance flood data services for local government officials, communities, producers, and other stakeholders who depend on accurate flooding forecasts. NOAA should consider how this priority can be addressed by future partnerships with academic and State centers, particularly in those States impacted by the 2019 Missouri River and North Central Flooding.

*Storm Surge Modeling Technology.*—The Committee encourages NOAA to continue to pursue collaborations that will improve upon NOAA’s current Sea, Lake, and Overland Surge from Hurricanes model; and encourages NOAA to consider integrating improved technologies into standard modeling operations for storm surge, inland flooding, and the combination of both.

*National Environmental Satellite, Data and Information Service.*—The Committee recommends \$285,606,000 for National Environmental Satellite, Data and Information Service (NESDIS) Operations, Research, and Facilities.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES  
(in thousands of dollars)

Program	Amount
Environmental Satellite Observing Systems:	
Office of Satellite and Product Operations .....	\$189,099
Product Development, Readiness, and Application .....	28,907
Commercial Remote Sensing Regulatory Affairs .....	1,800
Office of Space Commerce .....	1,800
Group on Earth Observations .....	500
Environmental Satellite Observing Systems .....	222,106
National Centers for Environmental Information .....	63,500
Total, National Environmental Satellite, Data and Information Service, Operations, Research, and Facilities	\$285,606

*Product Development, Readiness, and Application.*—The recommendation does not accept the proposal regarding Data Products Developed and provides no less than the fiscal year 2020 level for this work.

*Office of Space Commerce.*—The Committee does not accept the proposal to transfer the functions of the Office of Space Commerce

and Commercial Remote Sensing Regulatory Affairs out of NOAA NESDIS. The Committee looks forward to the delivery of the study on this topic by the National Academy of Public Administration.

*National Centers for Environmental Information.*—The Committee does not adopt the proposals to reduce National Centers for Environmental Information (NCEI) grants or to terminate Regional Climate Services. The Committee recommends \$63,500,000 for NCEI, which includes no less than \$5,500,000 for Coastal Data Development, \$2,400,000 for Regional Climate Services, and \$4,600,000 for Regional Climate Centers. NESDIS shall further prioritize filling the vacant Regional Climate Services Director positions.

*Mission Support.*—The recommendation includes \$311,454,000 for Mission Support Operations, Research, and Facilities.

MISSION SUPPORT  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Mission Support:	
Executive Leadership .....	\$28,024
Mission Services and Management .....	161,163
IT Security .....	15,378
Payment to DOC Working Capital Fund .....	66,389
	270,954
Mission Support Services .....	270,954
Office of Education:	
B–WET Regional Programs .....	8,000
José E. Serrano Educational Partnership Program with Minority Serving Institutions .....	20,000
NOAA Education Program Base .....	5,500
	33,500
Office of Education .....	33,500
Facilities Maintenance .....	7,000
	7,000
Total, Mission Support, Operations, Research, and Facilities .....	\$311,454

*Office of Education.*—The Committee rejects all of the proposed cuts to the Office of Education and believes the enactment of these proposals would do great harm to the future of oceanic and atmospheric sciences. The Committee recognizes that the changing climate and increasing degradation of our environment will necessitate greater future investments in these scientific fields and their corresponding workforces. Consequently, the recommendation includes \$33,500,000 for NOAA’s Office of Education, an increase of \$3,300,000 above the fiscal year 2020 level, which includes continued support for Environmental Literacy Grants and for improving geographic literacy. Of this amount, \$20,000,000 is provided for the José E. Serrano Educational Partnership Program with Minority Serving Institutions and \$8,000,000 is provided to continue the Bay-Watershed Education and Training (B–WET) regional programs.

*Facilities Maintenance.*—The Committee accepts the consolidation of Facilities Maintenance into one budget line under Mission Support, including the proposed transfer of funds for this purpose from NMFS.



*Office of Marine and Aviation Operations (OMAO).*—The recommendation includes \$255,779,000 for the Office of Marine and Aviation Operations, Operations, Research, and Facilities. The Committee appreciates the clear and concise regular briefings provided by OMAO’s leadership and encourages them to continue with the same frequency and detail as in fiscal year 2020.

OFFICE OF MARINE AND AVIATION OPERATIONS  
OPERATIONS, RESEARCH, AND FACILITIES  
(In thousands of dollars)

Program	Amount
Office of Marine and Aviation Operations:	
Marine Operations and Maintenance .....	\$174,000
Aviation Operations and Aircraft Services .....	29,466
Unmanned Systems Operations .....	10,665
NOAA Corps .....	41,648
<hr/>	
Total, Office of Marine and Aviation Operations, Operations, Research, and Facilities .....	\$255,779

*Marine and Aviation Operations.*—The Committee notes the importance of NOAA’s vessels’ Days At Sea (DAS) and aircraft flight hours in fulfilling NOAA’s mission requirements, and therefore rejects the proposals to reduce DAS and Aircraft Operations. Instead, the Committee directs OMAO to maximize DAS and flight hours, to the extent practicable, while executing the comprehensive vessel and aircraft maintenance program recently developed by OMAO.

*Monitoring of Atmospheric Rivers.*—Improving understanding of atmospheric rivers is critical to preparing for concentrated rain storms and flooding along the U.S. West Coast. Therefore, the Committee rejects the proposal to eliminate these flights and instead provides no less than \$2,000,000, including up to \$1,500,000 from unexpended funds in fiscal year 2020, for use of airborne assets to conduct increased winter storm observations to better observe and predict these extreme weather events.

*Unmanned Systems Operations.*—The Committee provides \$10,665,000 for Unmanned Systems Operations (UxS) and directs OMAO to continue to prioritize operationalizing unmanned technologies. OMAO shall also partner with OAR to develop new technologies and applications of unmanned systems to cost effectively meet NOAA’s missions.

Further, the Committee directs NOAA, in partnership with the UxS Executive Oversight Board, as well as in consultation with the leadership of each of the NOAA line offices, to develop a 5-year strategic plan for expanding the use of unmanned systems, including from third party vendors, as appropriate, to meet NOAA’s broad suite of missions. The plan shall detail how the use of these platforms will supplement the in-situ data collection capabilities and change the demands on NOAA’s ships and aircraft, both in terms of deploying unmanned assets as well as the potential for reduced demand on those assets as unmanned systems multiply the capacity for environmental observations. This plan shall take into consideration the rapidly advancing technology of these platforms as well as the sensors that can be placed upon them and allow the flexibility to adopt technologies as they become available. NOAA shall deliver this plan to the Committee no later than 12 months after the enactment of this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION  
(INCLUDING TRANSFER OF FUNDS)

The Committee recommends a total program level of \$1,537,360,000 for Procurement, Acquisition, and Construction (PAC), of which \$1,524,360,000 is appropriated from the general fund and \$13,000,000 is derived from recoveries of prior year obligations.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION  
(In thousands of dollars)

Program	Amount
National Ocean Service:	
National Estuarine Research Reserve Construction .....	\$2,000
Marine Sanctuaries Construction .....	4,000
Total, NOS—PAC .....	6,000
Office of Oceanic and Atmospheric Research:	
Research Supercomputing/CCRI .....	42,000
National Weather Service:	
Observations .....	15,745
Central Processing .....	66,761
Dissemination .....	9,934
Total, NWS—PAC .....	92,440
National Environmental Satellite, Data and Information Service:	
GOES R .....	334,500
Space Weather Follow-on .....	108,115
Polar Weather Satellites .....	657,835
CDARS .....	14,400
COSMIC 2/GNSS RO .....	5,892
Geostationary Earth Orbit (GEO) .....	10,000
Systems/Services Architecture and Engineering (SAE) .....	37,000
Satellite Ground Services (SGS) .....	39,287
Projects, Planning, and Analysis .....	15,941
Satellite CDA Facility .....	2,450
Total, NESDIS—PAC .....	1,224,118
Mission Support:	
NOAA Construction .....	50,000
Office of Marine and Aviation Operations:	
Fleet Capital Improvements and Technology Infusion .....	27,500
Vessel Recapitalization .....	92,000
Unmanned Systems Acquisitions .....	2,000
Total, OMAO—PAC .....	121,500
Total, Procurement, Acquisition and Construction .....	\$1,537,360

*Research Supercomputing.*—The Committee recognizes the importance of supercomputing capacity to further research efforts regarding weather and climate modeling and therefore recommends \$42,000,000 for OAR Research Supercomputing, which is \$16,000,000 above the request.

*Integrated Water Prediction.*—The Committee provides \$66,761,000 for Central Processing under National Weather Service PAC, which includes not less than the fiscal year 2020 level for In-

tegrated Water Prediction High Performance Computing as well as Research and Development High Performance Computing.

*Quarterly Satellite Reports.*—The Committee directs the Department of Commerce to continue to provide oversight of NOAA's satellite programs as directed in fiscal year 2020. NOAA shall also continue to provide quarterly briefings to the Committee on all NOAA satellite programs not later than 30 days after the end of each quarter. These briefings shall include the status of obligations for each program, including spacecraft, launch vehicle, sensor, integration, and ground components, and proposed changes to the fly-out charts. NOAA shall also include in these briefings updates on all of its operational satellite systems.

*Commercial Data.*—The Committee provides \$2,678,000 above the fiscal year 2020 level for purchase and piloting of commercial weather data.

*NOAA Construction.*—The Committee notes the poor condition of NOAA's aging physical research infrastructure, including a number of highly utilized NOAA Fisheries regional facilities that perform critical, world class research and surveys in support of the agency's multiple missions. The Committee is particularly concerned that several key NOAA Fisheries regional labs across the country will soon be unable to perform basic functions, even with major reconstruction, given the significant age of infrastructure, state of disrepair, and changing physical environment in which they are located. The Committee therefore urges NOAA Fisheries to accelerate existing regional facility modernization planning and analysis efforts. Such efforts shall prioritize the benefits of colocation with existing Federal academic, university, and nonprofit partners, including cooperative institutes, as appropriate, as a means of leveraging existing relationships and research efforts in an effort to maintain, if not elevate, the facilities capabilities and enhance scientific excellence.

*Vessel Recapitalization.*—Following the unexpected decommissioning of the Research Vessel Hi'ialakai, the Committee expects NOAA to place a higher priority on full, proper, and timely maintenance of all ships and vessels. The Committee therefore notes with disdain the omission of a request for funding of the midlife maintenance of NOAA's global class vessel despite the direction provided in fiscal year 2020. Funding for such maintenance is included in this recommendation. The Committee directs NOAA, in all future budget submissions to Congress, to detail all operational and maintenance requirements in addition to capital requirements of vessels and aircraft to maintain the optimal operational tempo necessary to meet NOAA's missions. The Committee reaffirms its support for NOAA's Fleet Recapitalization Plan by, as in prior fiscal years, providing the requested amount for Vessel Recapitalization. The Committee expects that NOAA will ensure that these new vessels facilitate the reduction of gaps in mission coverage as current ships fall into disrepair or are decommissioned. During the recapitalization process, NOAA is encouraged to evaluate its fleet plan regularly and consider cost-effective alternatives such as vessel leasing or chartering for meeting NOAA's mission requirements.

## PACIFIC COASTAL SALMON RECOVERY

The Committee rejects the proposed termination of Pacific Coastal Salmon Recovery and recommends \$65,000,000 for this program.

## FISHERMEN'S CONTINGENCY FUND

The Committee recommends \$349,000 for the Fishermen's Contingency Fund, which is the same as fiscal year 2020. This Fund is available to compensate U.S. commercial fishermen for damage or loss caused by obstructions related to oil and gas exploration, and is derived from fees collected by the Secretary of the Interior.

## FISHERY DISASTER ASSISTANCE

The Committee accepts the proposal for Fishery Disaster Assistance. The Committee recognizes the distress caused by fishery disasters and understands that poor communication and funding disbursement delays only exacerbate an already difficult problem. NOAA is urged to consider policy changes to improve and expedite the review and obligation process, and to provide Congress with budgetary and legislative proposals as needed.

## FISHERIES FINANCE PROGRAM ACCOUNT

The Committee recommends language under this heading limiting obligations of direct loans to \$24,000,000 for Individual Fishing Quota loans and \$100,000,000 for traditional direct loans.

## DEPARTMENTAL MANAGEMENT

The Committee recommends \$129,723,000 for Departmental Management (DM), \$14,723,000 above fiscal year 2020 and \$41,092,000 below the request. This amount includes funding for DM Salaries and Expenses, the Renovation and Modernization of the Herbert C. Hoover Building, the Department of Commerce Nonrecurring Expenses Fund, and the Office of Inspector General.

*Modernizing economic statistics in Puerto Rico.*—In October 2019, the Bureau of Economic Analysis (BEA) released prototype statistics for consumer spending, business investment, and net exports of goods for Puerto Rico for 2012–2017. This information is an important step towards producing gross domestic product (GDP) statistics for Puerto Rico and in line with recommendations from the 2016 Bipartisan Congressional Task Force on Economic Growth in Puerto Rico report to the House and Senate. The Committee understands that BEA will release these estimates by the end of 2020. The Committee directs the Department to continue its efforts to help the government of Puerto Rico to modernize its economic statistics programs and looks forward to receiving the report outlining its efforts to produce quarterly economic surveys for the territories and personal income statistics as directed in House Report 116–101.

*Interstate Commerce.*—The Committee remains concerned about the Electronic Export Information (EEI) requirements located in 15 CFR Part 30, which mandate reporting for certain goods between the States and Puerto Rico and the U.S. Virgin Islands, and understands that the Commerce Department, in coordination with the Government of Puerto Rico, will stand up a working group to ex-

plore alternative options, and that the Census Bureau will be issuing a Federal Register Notice soliciting stakeholder insights. The Committee believes that the EEI imposes undue costs and burdens on companies seeking to do business in Puerto Rico, and serves as a disincentive to investment. The Committee reminds the Department that the 2016 Bipartisan Congressional Task Force on Economic Growth in Puerto Rico recommended the Department conduct a thorough evaluation of its regulations requiring EEI filings and assess alternative data sets, including Puerto Rico's SURI system (Sistema Unificado de Rentas Internas) that could be used without modification. The Committee directs the Department, within 90 days of enactment of this Act, to submit a report to the Committee with an analysis of alternative methods of developing GDP data for Puerto Rico without using EEI information, and to provide a plan to phase out the use of EEI data, including a timeline for implementation of these changes.

*Human Rights Violations.*—The Committee is concerned with violence and threats shown towards human rights activists around the world, and notes some of this has occurred in nations with which the United States has trade agreements with enforceable protections. The Committee encourages the Department to more actively engage with trade partner nations to end these human rights violations and report to the Committee no later than 90 days after enactment of this Act on enforcement actions it has taken to promote compliance with labor and environmental obligations.

*Regional Biosecurity Plan.*—The Department shall continue to submit a report alongside its annual budget justifications describing the activities of the Department during the prior fiscal year to implement the *Regional Biosecurity Plan for Micronesia and Hawaii*—a strategic plan developed jointly by the Department and other Federal and non-Federal entities to prevent and control the introduction of invasive species in the U.S. Pacific region. The report shall include an update of the Departmental activities accomplished in implementation of the plan and next steps and planned activities for further execution of the plan, including estimates of funding that will be obligated towards the implementation and future year requirements.

*Climate Change Impacts on Recreational Boating Economy.*—The Committee directs the Department of Commerce, in coordination with the Federal Recreation Council, to carry out an assessment of the effects of climate change on the recreational boating economy and produce recommendations to address identified vulnerabilities no later than 180 days after enactment of this Act. The Department shall also submit this report to GAO for review. GAO shall review the assessment and provide a preliminary briefing to the Committees on its review within 120 days of receipt.

*AI Talent.*—The Committee believes the Department should develop a clear career development and promotion path that encourages participation and expertise in AI standards and standards development, and directs the Department to report to the Committee on these efforts no later than 180 days after enactment of this Act.

*Remanufactured Products.*—The Committee directs the Department to study strategies to strengthen regional and local remanufacturing markets. The study should consider remanufacturing challenges, such as processes of disassembling, cleaning, and re-

pairing components, and how to use these components with new materials to create quality remanufactured products. The Department shall provide the results of this study, including recommendations on such strategies, to the Committee no less than 180 days after the enactment of this Act.

*Foundation for Evidence-Based Policymaking Act Implementation.*—No later than 90 days after the enactment of this Act, the Secretary shall report to the Committee on the implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435) and progress being made by the Department in this area.

*Uranium Imports.*—At the end of 2020, statutory limitations on Russian uranium imports will expire. The Committee believes the U.S. should decrease its reliance on uranium imports from Russia and that Russia should not be allowed to increase its dominance in the U.S. market. The Committee urges the Department to ensure that any new agreement with Russia significantly reduces the influx of Russian material, includes strong protections for the domestic uranium industry, and closes loopholes to prevent any circumvention of import limits. The Committee further believes that failure to extend the Russian Suspension Agreement (RSA) or the legislative backstop for the RSA would result in unchecked price-insensitive Russian imports of uranium that far exceed the RSA's existing quota.

*Sustainable Food Packaging.*—The Committee recognizes that pervasive use of plastics in food packaging has a damaging impact on human health, the environment, and wildlife. The Committee encourages the Department to support innovations in the manufacturing and adoption of ecologically sustainable food packaging materials.

#### SALARIES AND EXPENSES

The Committee recommends \$73,080,000 for DM Salaries and Expenses, \$12,080,000 above fiscal year 2020 and \$23,054,000 below the request. The recommendation assumes the proposed transfer of \$9,278,000 which reflects positions previously and improperly funded out of both Working Capital Fund and Advances and Reimbursements, such as a White House Liaison, the Secretary's Executive Protection Unit, and the Office of Public Affairs to name a few. While the Committee appreciates the Department's efforts to reassess these requirements and supports the transfer to ensure these positions are funded out of Salaries and Expenses, the Committee remains concerned about how the Department executes its Working Capital Fund and charges bureaus for activities that are not standard shared services, but rather general headquarters functions.

The Committee remains concerned that information on travel for personnel in Executive Direction was not submitted in the fiscal year 2021 budget request nor was it included in fiscal year 2020 spend plans as directed in the Explanatory Statement accompanying the fiscal year 2020 Appropriations Act. The Committee directs that the Department clearly display, in the monthly report on travel to China, the travel costs of personnel from Executive Direction and further directs that the Department provide the Committee, on a monthly basis, information on all travel outside of the

National Capital Region for all Department personnel including the total amount expended per bureau and the source of appropriation supporting the costs of the travel. Each agency has its own travel budget for domestic and international travel and should use those funds accordingly.

#### RENOVATION AND MODERNIZATION

The Committee recommends \$1,123,000 for the salaries and expenses needed to continue the operation of the renovation project of the Herbert C. Hoover Building.

#### NONRECURRING EXPENSES FUND

The Committee recommends \$20,000,000 for the Nonrecurring Expenses Fund that was established in the fiscal year 2020 Consolidated Appropriations Act and supports the Department's efforts to modernize its financial system through the Business Application Solutions. The Committee understands that the Department is evaluating how it can standardize appropriations and periods of availability (POAs) across the Department for more consistent planning, programming, budgeting, and execution. The Committee looks forward to receiving the Department's analysis as directed in House Report 116–101.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$37,520,000 for the Office of Inspector General (OIG), which includes the requested transfers for oversight activities. The Committee expects the OIG to continue its oversight work on cybersecurity, satellite procurements, telework, patent quality, and the 2020 Decennial Census.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 102 makes appropriations for the Department available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriations accounts and require 15 days advance notification to the Committees on Appropriations for certain actions.

Section 104 extends congressional notification requirements for NOAA satellite programs.

Section 105 provides for reimbursement for services within Department of Commerce buildings.

Section 106 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 107 provides the NOAA Administrator with the authority to avail NOAA of needed resources, with the consent of those sup-

plying the resources, to carry out responsibilities of any statute administered by NOAA.

Section 108 prohibits the National Technical Information Service from charging for certain activities.

Section 109 authorizes NOAA to receive payments from other entities to defray some costs of permitting and regulatory activities.

Section 110 provides authority for the programs of the Bureau of Economic Analysis and the Bureau of the Census to enter into cooperative agreements in order to assist in improving statistical methodology and research.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends \$120,041,000 for Department of Justice, General Administration, Salaries and Expenses, which is \$5,301,000 above fiscal year 2020 and \$1,728,000 below the request. The recommendation includes a new \$5,000,000 initiative for a National Task Force on Law Enforcement Oversight. The Committee has provided separate funding recommendations by decision unit as follows:

Department Leadership .....	13,500,000
Intergovernmental Relations/External Affairs .....	11,000,000
Executive Support/Professional Responsibility .....	16,000,000
Justice Management Division .....	74,041,000
National Task Force on Law Enforcement Oversight .....	5,000,000
National Police Misconduct Registry .....	500,000
	<hr/>
Total, Salaries and Expenses .....	120,041,000

*Cold Case Investigations.*—The bill includes not less than \$13,500,000, the same as the fiscal year 2020 enacted level, for the Criminal Section of the Civil Rights Division, the Civil Rights Unit of the Federal Bureau of Investigation, the Community Relations Service, and in grant assistance, as authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114 325), to investigate and prosecute previously unresolved civil rights era “cold case” murders suspected of having been racially motivated. The Department of Justice (DOJ) shall include, as part of the annual spending plan required under section 507 of this Act, details on actual and projected spending, by agency and appropriation, to carry out the Emmett Till Act. The Committee directs the National Institute of Justice, the Bureau of Justice Assistance, and the Office for Victims of Crime to continue providing grants for cold case DNA investigations to aid State and local law enforcement agencies in their investigation and prosecution of unsolved civil rights cold cases. In addition, the Attorney General is directed to make full use of his authority to support and carry out the objectives of Public Law 115–426, the Civil Rights Cold Case Records Collection Act of 2018.

*National Task Force on Law Enforcement Oversight.*—The bill includes \$5,000,000 to support the efforts of the National Task Force on Law Enforcement Oversight pursuant to Section 220 of this Act.



The Task Force shall support the Attorney General and coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct nationwide, in consultation with professional law enforcement associations, labor organizations, and community-based organizations.

*National Police Misconduct Registry.*—The Committee strongly supports establishment of a National Police Misconduct Registry, containing data with respect to all Federal, State and local law enforcement officers, to be compiled and maintained by the Department of Justice. This would provide a publicly available resource to help ensure accountability and transparency, and help restore trust in the credibility of the Nation’s law enforcement agencies and improve relationships between them and the communities they serve. To that end, the Committee has included \$500,000 to support development and implementation of such a registry, as specified in Title II of H.R. 7120, the George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020.

*Accreditation of law enforcement agencies.*—The Committee strongly supports development and implementation of strong, uniform accreditation standards for Federal, State, and local law enforcement agencies to ensure community accountability and a focus on policing with a guardian mentality, as set forth in H.R. 7120 as passed by the House of Representatives on June 25, 2020. The Committee therefore directs the Attorney General to take the lead in such an effort, and recommend such standards, in consultation with law enforcement accreditation organizations, based on an analysis of existing accreditation standards and methodology development by law enforcement accreditation organizations nationwide, including national, State, regional, and tribal accreditation organizations, as well as the May 2015 recommendations of the President’s Task Force on 21st Century Policing.

*Use of force.*—The Committee is concerned about the lack of reliable statistics on how often law enforcement uses deadly force, as underscored in the 2018 report by the U.S. Commission on Civil Rights entitled *Police Use of Force: An Examination of Modern Policing Practices*. That report recommended that “Congress should condition cities’ receipt of federal law enforcement funds on the cities’ collection and reporting to DOJ of data regarding police use of force practices, in a format that is aggregable and comparable nationally, which DOJ can then report to the American public. Congress should require DOJ to create and maintain a public, national database of police use of force incidents and appropriate funds sufficient to support the creation and maintenance of the database.”

The Committee agrees with these recommendations and notes that Congress is currently considering affirmative direction, such as the language of Section 364 of H.R. 7120, as passed by the House of Representatives on June 25, 2020, that would define and sanction specific types of force. The Committee therefore directs the Attorney General to develop plans to require each State, city, county, and tribal government agency receiving DOJ law enforcement funding to provide annual data to the Department on its use of force incidents. The Committee also directs the Attorney General to develop plans to require all Federal law enforcement agencies to provide annual information on its use of force incidents. Such data

should include: the date, time, and location of each instance in which deadly force was used; identifying characteristics of the victim and officer involved, including the race, gender, ethnicity, and approximate age of the victim; any existence of mental illness or disability of the victim; the nature of the deadly force used, including whether it involved a firearm; and a description of any non-lethal efforts that were taken before deadly force was used.

The Committee understands that the National Use of Force Data Collection (NUOFDC) database effort, begun in 2015 and implemented nationally on January 1, 2019, reflects participation from State and local agencies, and that when NUOFDC participation reaches 60 percent such data may be published. The Committee also understands that the NUOFDC database does not currently include data on religion of persons involved, documentation of deadly force guidelines in effect, or explanations or reasons for use of force. The Committee directs the Department to develop a plan to collect such data and brief the Committee not later than 90 days after the enactment of this Act on steps to implement such a plan, to include any additional funding required. In addition, while Congress is currently considering changes in this area, including in section 219 of this Act, the Committee understands that Use-of-Force data and UCR submissions to the FBI are currently voluntary. Thus, the aforesaid briefing should also address what steps, to include additional legal authority, financial incentives, and implementation actions, may be required to further increase such submissions of information, including by making such information a condition for eligibility to receive DOJ assistance or share in DOJ-administered Federal law enforcement funds, while maintaining law enforcement cooperation between DOJ and its partners. Such briefing should also address the process and associated administrative requirements to audit and review use of force data from Federal, State and local law enforcement agencies, consistent with the approach set forth in sections 225 and 226 of H.R. 7120 as passed by the House of Representatives on June 25, 2020, including the use of such audits to assess compliance with reporting requirements if such requirements were to be established in law or regulation.

*Death in Custody Reporting Act.*—The Committee is deeply concerned by the Department’s failure to implement the Death in Custody Reporting Act of 2013, Public Law 113–242. As our nation faces another crisis caused by the shocking deaths of individuals of color at the hands of local law enforcement, the Committee believes that the requirements of that law are essential to enable Congress and the American public to understand the scope of the problem and to facilitate reforms. The Committee directs the Department, not later than 90 days after enactment of this Act, to provide the Committee with the report required in Section 2(f) of Public Law 113–242. The Committee also directs the Department to comply with recommendations in the Department of Justice’s Inspector General’s December 2018 report entitled, “Review of the Department of Justice’s Implementation of the Death in Custody Reporting Act of 2013,” and to notify the Committee not later than 90 days after enactment of this Act regarding all Federal agencies with law enforcement authority who are non-compliant with the requirements of Public Law 113–242.

*Federal police cameras and accountability.*—The Committee strongly supports the adoption of rigorous and consistent standards for the use of body-worn, vehicle borne, and other video and camera technology used to record Federal police interaction with civilians while engaged in law enforcement activity. To ensure such technology is used effectively and facilitates safety for both the public and the law enforcement officers, as well as to support transparency and accountability, the Committee strongly urges the Attorney General to adopt the requirements set forth H.R. 7120, the George Floyd Justice in Policing Act, Title III, Subtitle C, Part I, the Federal Police Camera and Accountability Act, as passed by the House of Representatives on June 25, 2020.

*Funding crime victim services.*—The Committee notes that DOJ may use discretionary funding from the Crime Victims Fund, under 34 U.S.C. 20103, to fund the salaries of personnel who provide services to victims of crime. The Committee encourages DOJ to offer such support, especially to under-resourced communities, for the salaries of first responders and others who provide support to victims of Federal crimes, and also to support such efforts by seeking to increase deposits into the Crime Victims Fund from criminal settlements such as those arising from violations of the Natural Gas Pipeline Safety Act, and to include detail on such deposits in fiscal year 2020 and estimates for fiscal year 2021 in the annual expenditure plan.

*Training.*—The Committee supports vigorous action to improve training for all Federal, State and local law enforcement officers, to cover racial profiling, implicit bias, de-escalation, and procedural justice; the use of force and the duty for officers to intervene when witnessing the use of excessive force against civilians; and establish standards for such training to be adopted nationwide. The Committee therefore directs the Attorney General to work with the Secretary of Homeland Security to establish such a program, including mandatory training for all Federal law enforcement officers, and development of standards that can be applied in hiring and performance assessments. The standards should also be designed to serve as a standard for State and local governments to meet in order to be eligible for Federal grant funding, including for Byrne Justice Assistance Grants and Community Oriented Policing Services (COPS) grants. The Committee directs the Attorney General to undertake this effort based on requirements set forth in H.R. 7120 as passed by the House of Representatives on June 25, 2020.

*Sanctuary policy.*—It has come to the attention of the Committee that DOJ may be rejecting or negatively scoring applications for Federal funding from counties, local governments, and municipalities who seek Federal funding, based solely on refusal by applicants to cooperate with officials from U.S. Immigration and Customs Enforcement in the arrest and detention of undocumented immigrants. The Committee directs the Department to review each application and apply appropriate scoring in accordance with the guidelines set forth in the laws passed by the U.S. Congress, including the clarifying language included in this and previous Appropriations Acts.

*Denaturalization.*—On February 26, 2020, the Attorney General announced plans to establish a new Denaturalization section with-

in the DOJ Civil Division, but did not notify the Committee in advance of this decision. The Committee understands that DOJ believes that such reorganization did not meet budgetary, relocation or personnel criteria set forth in appropriations legislation that would require such notification be made. Nonetheless, the Committee believes it does not serve the public interest for DOJ to undertake such a substantive, as well as symbolic, change without such notification. To better understand the nature and scope of the Department's denaturalization effort, the Committee directs the Attorney General to submit a report within 90 days of enactment of this Act on the details of this reorganization, including the rationale for establishment of a new section; historical denaturalization caseload statistics, including for fiscal years 2016 through 2020; the grounds on which denaturalization cases are brought; and the funding and staffing of denaturalization activity by the Civil Division for fiscal years 2016 through 2020.

*DNA Sample Collections from immigration detainees.*—The Committee is concerned about the potential adverse impact of the final rule issued by DOJ on March 6, 2020, entitled, DNA Sample Collection from Immigration Detainees (Docket Number OAG 164; AG Order No. 4646 2020) and directs the Attorney General to provide the following information to the Committee not later than 90 days after enactment of this Act: the fiscal and administrative costs of expanding DNA collection requirements to the Department of Homeland Security (DHS); the FBI's role in the collection, use, and retention of DNA samples and profiles on the basis of this policy, and the estimated impact of this policy on the backlog in FBI DNA sample testing; information regarding the storage and security of DNA kits received from DHS; any DOJ policies and protocols governing how DNA profiles are used and shared; and whether familial searches are permitted by any Federal agency or any State entity with access to the profiles.

*NICS denial notification.*—The Committee continues its direction, as specified in House Report 116–101 and required by the fiscal year 2020 Appropriations Act, for the Attorney General to notify State and local authorities when the National Instant Criminal Background Check System (NICS) detects when prohibited individuals fail a background check in an attempt to make an illegal firearm purchase. The Committee also directs the Department, as part of the annual NICS Section Operations Report, to include in the NICS Operations Report data on the number of notifications provided to State and local law enforcement agencies for each prohibited category; and to publish monthly data on denials and notifications by State and prohibition type on the DOJ website.

In addition, the Committee directs the Department to provide data on NICS checks for firearms sales that have taken longer than three business days to complete, for the period beginning March 2019 and broken down by month thereafter through December 31, 2020. The Department shall provide a report to the Committee, within 180 days of enactment of this Act, that shall include data, broken down by month, on the number of NICS checks during this period that took longer than three business days, the number of those checks that were resolved, the number of those checks that were purged, the number of denied checks that resulted in firearm

retrieval actions being referred to ATF, and the number of successful retrieval actions taken by ATF.

*Domestic Terrorism task force.*—The Committee recommends that the Attorney General establish an interagency task force, led by the DOJ Counsel for Domestic Terrorism, and include representation from the Civil Rights Division, the FBI, Department of Homeland Security (DHS), the National Counterterrorism Center, CIA's Counterterrorism Center, and Fusion Center experts to consider and develop recommendations to improve the capacity of the Federal Government to counter domestic extremism. The task force should be required to produce a summary report on changes in the frequency and motivations for domestic extremism in the last ten years; current trends; an examination of Federal government approaches to such extremism; and to recommend how to improve Federal response to the problem.

*Federal law enforcement resources in the U.S. Caribbean.*—The Committee remains concerned about the pervasively high homicide rates in Puerto Rico and the U.S. Virgin Islands, and that such crime is directly linked to narcotics trafficking in the Caribbean. The Committee directs the Attorney General to prioritize Federal law enforcement personnel and resources to address such public safety threats. The Committee further directs the Attorney General to examine the feasibility of including sites in Puerto Rico and the U.S. Virgin Islands under Department-wide initiatives to reduce violent crime, such as the National Public Safety Partnership, and to report to the Committee on the Department's findings not later than 90 days after enactment of this Act.

*Office of Legal Counsel (OLC) opinions.*—To serve the public interest, and in keeping with transparency and the precedent of public reporting of judicial decisions, the Committee asks the Attorney General to direct OLC to publish on a publicly accessible website all legal opinions and related materials, except in those instances where the Attorney General determines that release would cause a specific identifiable harm to the national defense or foreign policy interests; information contained in the opinion relates to the appointment of a specific individual not confirmed to Federal office; or information contained in the opinion is specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code). For final OLC opinions for which the text is withheld in full or in substantial part, the Attorney General should provide Congress a written explanation detailing why the text was withheld.

In addition, the Attorney General should also direct OLC to publish on a publicly accessible website a complete index of all final OLC opinions in both human-readable and machine-readable formats, arranged chronologically, within 90 days of the enactment of this Act, which shall be updated immediately every time an OLC opinion or a revision to an opinion becomes final. The index shall include, for each opinion: the full name of the opinion; the date it was finalized or revised; each author's name; each recipient's name; a unique identifier assigned to each final or revised opinion; and whether an opinion has been withdrawn.

*Americans with Disabilities Act (ADA).*—The Committee recognizes that a lack of uniform website accessibility standards, as required by the Americans with Disabilities Act (ADA), can cause

confusion and disadvantage small businesses that provide essential services for our communities. The Committee expects DOJ in fiscal year 2021 to clarify such standards pursuant to the ADA.

*Reentry.*—The Committee recognizes that ex-offenders face challenges reentering society, and notes that in the past DOJ has pledged to publish information on ways to connect them with legal services to address reentry obstacles such as fines and criminal records expungement. The Committee directs DOJ to expeditiously submit the report required by the fiscal year 2020 Appropriations Act examining how the Smart on Crime and other similar programs could be expanded to assist non-violent ex-offenders with record expungement.

*SUPPORT Act.*—The Committee recognizes the need to combat abusive practices in the addiction treatment and recovery industries, specifically the payment of kickbacks for referrals to recovery homes, clinical treatment facilities, and laboratories. DOJ shall make every effort to fully enforce Section 8122 of the SUPPORT for Patients and Communities Act, including the investigation of potential violations.

*IPR Enforcement.*—The Committee expects DOJ to continue to make IPR enforcement an investigative and prosecutorial priority. The Committee directs the FBI to submit as soon as possible the report required pursuant to the fiscal year 2020 Appropriations Act on the activities of its dedicated agents investigating IPR cases, particularly with regard to creative content theft and copyright enforcement actions.

*Real estate wire or business email compromise (BEC) fraud.*—The Committee remains concerned with the growing incidence of so-called real estate wire fraud or business e-mail compromise (BEC) fraud in real estate transactions. A July 2018 FBI public service announcement said such crime targets businesses and individuals attempting wire transfer payments, resulting in over \$12,500,000,000 in losses between 2013 and 2018, with the scam being reported nationwide and in 150 countries. The FBI recently warned of BEC scams related to the COVID-19 pandemic. The Committee directs DOJ to submit expeditiously the report required by the fiscal year 2020 Appropriations Act on BEC/wire fraud; detail any joint activities with other Federal agencies; and make recommendations for new legislative authority or resources to help these efforts.

*Working capital fund and non-appropriated fund budget requests and spending plans.*—The Committee directs DOJ to continue to include detailed breakouts of non-appropriated funding sources with their budget submissions and expenditure plans, as directed in the fiscal year 2020 Appropriations Act, and to continue quarterly reports on the collections, balances, and obligations of such funds.

*Federal obscenity prosecution.*—The Committee supports the work of DOJ in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the Supreme Court test for obscenity. Such enforcement is necessary to protect the welfare of families and children as traffickers in illegal adult obscenity seek to extend their influence through advances in technology. The Committee directs DOJ to increase its efforts in enforcing federal obscenity laws.

*Human trafficking.*—The destructive, expanding toll of human trafficking is international in scale but also affects every part of the United States, both rural and urban. Modern communication and transportation channels enable traffickers to operate everywhere, threatening our homes and communities. The Committee has included more funding for services for victims, in grant funding assistance to State, local and tribal governments, and sustains funding for DOJ agencies to continue to investigate and prosecute human traffickers and eradicate trafficking organizations.

*Evidence-based policymaking.*—The Committee encourages the Attorney General to develop guidance to ensure that all relevant participants and grantees are involved in the Department-wide process of prioritizing evidence needs, including participating in DOJ-led evaluations, and ensure that evidence of effectiveness is a requirement for all competitive and non-competitive grant awards. The Committee directs the Attorney General to include a report on DOJ implementation of Public Law 115–435 at the Department of Justice with the submission of the fiscal year 2022 budget request.

*Prison Rape Elimination Act (PREA) facility audits.*—PREA facility audits are key to helping agencies move their sexual abuse prevention and response policies from written documents to everyday practices. Congress recently made changes to the audit process to ensure greater oversight of the audit process and improved audits. The Committee supports DOJ providing the necessary resources to carry out this work.

*9/11 Medal of Valor Act implementation.*—The Committee is concerned by the delay in implementation of the 9/11 Medal of Valor Act that was signed into law in 2017, and directs DOJ to report to the Committee not later than 90 days after enactment of this Act on steps being taken to ensure those who merit such recognition are rightfully honored.

*E-Commerce.*—On January 31, 2020, the President issued an Executive Order “Ensuring Safe & Lawful E-Commerce for U.S. Consumers, Businesses, Government Supply Chains, and Intellectual Property Rights”. The order directed the Attorney General, within 60 days, to assign appropriate resources to ensure that Federal prosecutors accord a high priority to prosecuting offenses related to import violations, including increasing the number of DOJ officials who will enforce criminal or civil laws, as appropriate, related to the importation of merchandise. The Committee directs the Attorney General to report to the Committee, not later than 90 days after enactment of this Act, on the implementation of this directive, to include the number of additional DOJ officials assigned to such enforcement efforts.

*RAPID DNA.*—The Committee understands that under certain conditions, Rapid DNA technology can help law enforcement agencies quickly compare DNA samples against profiles in the Combined DNA Index System (CODIS) and determine possible connections between a suspect and known criminal activity or facilitate exoneration of innocent suspects. The Committee encourages DOJ to consider supporting broad deployment of Rapid DNA technology that meets FBI quality assurance standards to help local, State, and Federal law enforcement agencies meet their mission requirements, improve the efficacy and efficiency of investigations, and protect and bring justice to the innocent.

*Counter-Unmanned Aircraft Systems (C-UAS).*—The Committee recommends that DOJ continue to research, test and evaluate, as appropriate, the use of C-UAS in support of the United States Marshals Service, the Bureau of Prisons, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation to prevent drug and weapons trafficking. The Committee supports coordination and collaboration between the Department and the Federal Aviation Administration with respect to testing and evaluation of such technology, in accordance with subsection (a) of 49 U.S.C. 44810.

*Cybersecurity threat information sharing.*—The Committee supports sharing by DOJ of cybersecurity threat warnings and intelligence with private companies who may benefit from actionable information to deter, prevent, or mitigate threats. The Committee asks DOJ to provide a briefing on this topic not later than 90 days after enactment of this Act.

*Chinese-government affiliated companies.*—The Committee is concerned with companies operating within the United States that are known to have substantial ties to the Chinese government, including full or partial ownership by the Chinese government, and that are required by Chinese law to assist in espionage activities, including collection of personally identifiable information of American citizens. Such companies may pose cybersecurity risks, such as vulnerabilities in their equipment, and some are the subject of ongoing Congressional and Executive Branch investigations involving their business practices. The Committee directs DOJ to enforce applicable laws and prevent the operation of known foreign entities who participate in the theft of American intellectual property, the harvesting of personal identifiable information on behalf of a foreign government, and the unlawful surveillance of American citizens by adversarial state-owned enterprises.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$33,875,000 for Justice Information Sharing Technology (JIST), which is equal to the fiscal year 2020 enacted level and \$189,000 below the request. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$2,000,000 to meet COVID–19 requirements. The Department should use recovered balances from prior year obligations or its discretionary transfer authority to meet any other needs for information technology transformation and cybersecurity, subject to the reprogramming procedures included in this Act.

#### EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$734,000,000 for the Executive Office for Immigration Review (EOIR), of which \$4,000,000 is from immigration examination fees. The recommendation is \$61,034,000 above fiscal year 2020 and \$148,872,000 below the request.

The recommendation includes \$2,000,000 for EOIR's portion of the development of the Unified Immigration Portal with the De-



partment of Homeland Security (DHS) as well as increased funding for EOIR's Information Technology (IT) modernization efforts, as requested. The recommendation also supports a level of funding that will allow for the continued hiring of immigration judges and teams. While the Committee recognizes EOIR has not requested any additional increase from its authorized position level from fiscal year 2020, EOIR is currently well below this level and the Committee is concerned that proposed funding increases are for positions who will not be on board in fiscal year 2021.

*Legal Orientation Program (LOP).*—For the LOP and related activities the recommendation includes \$25,000,000, of which \$4,000,000 is for the Immigration Court Helpdesk (ICH) program. The LOP improves the efficiency of court proceedings, reduces court costs, and helps ensure fairness and due process. The Committee directs the Department to continue LOP without interruption, including all component parts, including the Legal Orientation Program for Custodians of Unaccompanied Children (LOPC) and the ICH. The Committee directs the Department to brief the Committee no later than 15 days after enactment of this Act on how EOIR is effectively implementing these programs, including the execution of funds and any changes to the management of the program. The recommended funding will allow for the expansion of LOP and ICH to provide services to additional individuals in immigration court proceedings. The Committee supports access to LOP and ICHs and looks forward to receiving EOIR's evaluation of expanding this program to all detention facilities and immigration courts, as directed in House Report 116–101. The Committee is deeply concerned that EOIR plans to use fiscal year 2020 funds for the procurement of a web-based application that is still under development, but did not actively discuss these changes with the Committee. While the Committee understands the coronavirus pandemic has impacted court operations and novel approaches may be necessary for continuity, it appears a portion of these specific funds may not be fully executed in fiscal year 2020 in support of the program to pursue a new operating procedure without additional details on how this will impact the LOP program in future years. The Committee is concerned that plans for a web-based application will not adhere to congressional intent to expand this program to new locations and individuals. The Committee reminds EOIR that funding for this program, in its ongoing, in-person format, is mandated by law, and any diversion of these funds from their intended purpose must be formally communicated and convincingly justified to the Committee, consistent with section 505 of this Act.

*LOP Pilot.*—The Committee further directs EOIR, in coordination with U.S. Customs and Border Protection (CBP), to pilot the expansion of LOP to at least one CBP processing facility with an added focus on expanding this program to family units. The Committee further directs EOIR, in coordination with DHS, to assess the feasibility of expanding this pilot program nationally, and to report findings to the Committee no later than 180 days after the conclusion of the pilot.

*Board of Immigration Appeals (BIA) Pro Bono Project.*—The Committee recognizes the critical work of the BIA Pro Bono Project in facilitating pro bono legal representation for indigent, vulnerable respondents whose cases are before the Board. The Committee

urges the continuation of participation of pro bono firms and non-government organizations (NGOs) in the BIA Pro Bono Project to directly facilitate case screening and legal representation. EOIR shall report annually to the Committee on the number of cases referred to NGOs and pro bono legal representatives, the number of EOIR Form E-26 appeals filed against *pro se* respondents and filed by *pro se* respondents and make the information publicly available.

*Immigration case quotas.*—The Committee remains concerned with the performance review standards that went into effect October 1, 2018, which require immigration judges to complete a quota of 700 case completions per year to receive a satisfactory review. Although the Committee appreciates efforts to reduce the current backlog, tying an immigration judge’s performance to case completion threatens due process and affects judicial independence. Section 217 of the bill prohibits EOIR’s use of case completion quotas for immigration judge performance reviews.

*Judicial Independence and Case Management.*—All courts require judges to utilize case management tools in order to ensure efficient use of the court’s time and resources. The Committee is concerned by recent Attorney General decisions that curtail the ability of immigration judges to utilize critical docket management tools, such as continuances and terminations, that enable efficient management of the court’s dockets. The Committee supports the utilization of such tools to the fullest extent practicable and reaffirms its support for the authority of immigration judges to exercise independent judgment and discretion in their case decisions. Further, the Committee supports full and fair hearings for all who come before the courts but remains concerned about decisions that ultimately keep asylum seekers, including those seeking relief from domestic violence, in detention for longer periods of time.

*Video teleconferencing.*—The Committee is frustrated by EOIR’s response to information requested in the Explanatory Statement accompanying the fiscal year 2020 Consolidated Appropriations Act regarding the publication of its policies for determining the use and dissemination of video teleconferencing (VTC) for individual merits hearings and tent court facilities. EOIR cites multiple policies on its website, but ultimately no central guidance on VTC appears to exist, outside of an interim policy document from 2004. The growth and dependence on VTC has developed since that time and it is concerning that EOIR does not have consistent rules governing the use of video teleconferencing, nor does it appear to have standards to ensure that the procedural and substantive due process of respondents in immigration court are protected. The Committee directs EOIR, within 90 days of enactment of this Act, to develop clear and consistent rules on the use of VTC hearings, including when the use of video teleconferencing is appropriate, and to develop rules for utilizing VTC hearings for particularly vulnerable groups such as unaccompanied minors, individuals with medical or mental health problems, and those subject to the Migrant Protection Protocols (MPP) program. The Committee also directs EOIR to provide these newly developed policies to the Committee, and to make these policies publicly available.

*Rocket Dockets.*—The Committee is troubled by recent reports of changes in EOIR practices that expedite case processing and place unaccompanied children in so called “rocket dockets” commencing

their cases through VTC within days of their arrival in the United States. This practice is a shift from former precedent, and it lacks recognition that cases involving unaccompanied children are different than for detained adults. Immigration court proceedings must be tailored to the circumstances of individual cases in order to preserve due process and fundamental fairness, in particular for minors. The Committee is equally troubled by reports that EOIR intends to expand this expedited case processing for cases involving unaccompanied children, with little knowledge about how this process impacts children, their opportunity to find counsel, or the challenges with communicating with children of varying ages.

EOIR is directed to report to the Committee no later than 30 days after enactment of this Act on the number of cases involving unaccompanied children that had a Master Calendar hearing scheduled within 30 days of their Notice to Appear (NTA), the location of these cases, including whether VTC was utilized for the hearing, whether the child had counsel, and the outcome of the proceedings. Further, the Committee notes that EOIR has not communicated with the Committee on this change in practice and is concerned that EOIR is piloting and expanding a new program that has not been explicitly authorized by Congress.

*Tent Court Proceedings.*—The Committee is concerned that the creation of new immigration hearing facilities, often referred to as “tent courts”, along the border, where judges appear via video teleconferencing (VTC). The Committee is concerned that these new facilities threaten the public nature of immigration court proceedings. The Committee directs EOIR to provide a report within 60 days of the enactment of this Act that provides details on EOIR’s involvement in the creation and operation of such immigration hearing facilities, as well as information detailing how EOIR schedules judges for hearings and a list of judges hearing cases in these facilities. EOIR shall also post to its website information on attorney access at those facilities, as well as policies regarding public and media access.

*Migrant Protection Protocol (MPP) Statistics Publication.*—Within 60 days of enactment of this Act, and quarterly thereafter, EOIR is directed to publish on its public website: (1) the number of MPP Notices to Appear (NTA) received and completed, (2) the number of continuances or adjournments in non-MPP cases due to an immigration judge being reassigned to hear MPP cases, (3) the number of MPP hearings that occurred via VTC, and (4) the number of immigration judges assigned to hear MPP cases. EOIR is also directed to publish the number of MPP hearings delayed as a result of the coronavirus pandemic, as well as the average length of delay. EOIR is further directed to publish all workload-related data currently included on its Workload and Adjudication Statistics website page in separate MPP and non-MPP formats.

EOIR is also directed to develop a plan to begin tracking the appearance rate of individuals placed into removal proceedings, broken out into MPP and non-MPP cases, calculated by determining the percent of individuals who have attended all scheduled hearings in any given quarter, regardless of whether the hearing resulted in a completion. The Committee directs EOIR to report on its plans no later than 180 days after enactment of this Act.

*Interpreters.*—The recommendation includes the requested funding increase for interpretation services. While the Committee recognizes that increasing numbers of respondents in immigration courts require the use of interpretation and the ballooning costs associated with these interpretation services, the Committee directs EOIR to pursue cost efficient measures to ensure appropriate language access for all respondents, including indigenous language speakers, and further directs EOIR to submit a report to the Committee, no later than 90 days after enactment of this Act, outlining steps taken to reduce costs. The Committee eagerly awaits EOIR's quarterly reports highlighting any continuances or adjournments for reasons related to interpretation as well as EOIR's joint report with DHS on shared interpretation resources as directed in House Report 116–101.

*Legal Representation.*—The Committee is concerned with the low rate of representation in immigration court, and the recommendation provides \$15,000,000 in State and Local Law Enforcement Assistance for competitive grants to qualified non-profit organizations for a pilot program to increase representation.

*Immigration judges.*—The Committee directs EOIR to continue to hire the most qualified immigration judges and BIA members from a diverse pool of candidates to ensure the adjudication process is impartial and consistent with due process. The Committee is disturbed by recent reports of politicized hiring processes for immigration judges. The Committee directs EOIR to continue to submit monthly reports on performance and immigration judge hiring as directed in the fiscal year 2020 Explanatory Statement and is directed to include additional information on the status of hiring other positions that make up the immigration judge teams such as attorneys and paralegals. Finally, the Committee is concerned about a recent Department of Justice petition sent to the Federal Labor Relations Authority requesting the decertification of the National Association of Immigration Judges. The Committee recognizes the importance of our nation's immigration judges and their ability to unionize.

*Immigration Efficiency.*—EOIR is encouraged to collaborate with the Department of Homeland Security (DHS) to explore efficiencies with regard to the co-location of DHS and DOJ components with immigration related responsibilities, including immigration courts, DHS asylum officers, medical care practitioners, and both CBP and Immigration and Customs Enforcement (ICE) immigration officers.

*Alternatives to Detention (ATD) Program.*—The Committee is concerned that many individuals enrolled in ICE's ATD program will be terminated from the program before their cases are fully resolved. Getting timely resolution of these cases is complicated by the historic volume of pending cases on EOIR's non-detained docket schedule. The Committee recognizes the ATD program is managed by ICE, and that EOIR currently lacks information about who is enrolled. However, the Committee also recognizes that the longer an individual remains on ATD while their case is pending before EOIR, the more expensive the ATD program is per enrollee, and the less effective the ATD program is. Prioritizing ATD enrollees' cases as if they were on the detained docket could potentially increase the effectiveness of the program, lower the cost per enrollee, and support more individuals in the program overall. The Com-

mittee directs EOIR, in coordination with ICE, to develop an analysis of alternatives to improve the timeliness of resolving cases before EOIR for individuals in the ATD program, and further to consider as one such alternative the classification of ATD enrollees as part of the detained docket for purposes of case prioritization. EOIR is directed to brief the Committee on their findings not later than 180 days after the date of enactment of this Act.

*Court Operations during COVID-19.*—The Committee understands that the novel coronavirus pandemic has forced the majority of Federal Government agencies to alter their normal operating procedures, and changes to court operations is no exception. However, the Committee is frustrated that EOIR relied largely on Twitter to communicate its operational status. Many that were traveling, especially from Mexico, to appear at immigration court hearings, did not receive the updated information that the courts were closed. Even prior to the pandemic, the Committee was troubled by reports concerning the timeliness and receipt of hearing notices, as some were undeliverable as addressed and thus returned to immigration courts, and attempts to change addresses with the immigration court were often unsuccessful due to current backlogs. As of March 31, 2020, *in absentia* removal orders were already on the precipice of reaching the total number for all of fiscal year 2019. The Committee is concerned that the pandemic has exacerbated an already confusing process, resulting in an exponential increase in the number of removal orders for respondents who simply did not have the information to appear in court. Therefore, the Committee directs EOIR to submit a report to the Committee, within 90 days of enactment of this Act, that details the specific steps EOIR has taken since March 2020 to accommodate respondents who have missed court appearances due to COVID-19, and steps EOIR has taken to ensure respondents have a centralized mechanism to electronically file an EOIR Form-33 in order to change their address remotely with EOIR, in addition to the current use of paper filings.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$113,985,000 for the Office of Inspector General (OIG), \$8,985,000 above the fiscal year 2020 enacted level and \$6,774,000 above the request. The Committee includes funding requested for critical information technology upgrades, and sustains funding provided in fiscal year 2020 for data analytics, cyber investigations, and increased workload, and to maintain the OIG workforce. The Committee recommendation does not reflect an unspecified “administrative reduction” in the President’s request, and DOJ should eschew such budget gimmicks in its future requests.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$13,539,000 for the United States Parole Commission.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$969,211,000 for General Legal Activities. Within the total provided, the Committee includes \$5,000,000 for the Criminal Section of the Civil Rights Division (CRT) to implement the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act. The recommendation also includes an increase of not less than \$10,000,000 within the Civil Rights Division for additional expenses relating to the enforcement of section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), criminal enforcement under sections 241 and 242 of title 18, United States Code, and administrative enforcement by the Department, including compliance with consent decrees or judgments entered into under such section 210401.

The Committee recommendation funds current services costs for all divisions, including CRM, but does not reflect unspecified “other adjustments” proposed in the budget for that division. The Committee directs the Department to eschew such budget gimmicks in its future requests. Within funding provided, the Committee encourages the Department to enhance its efforts in elder justice, countering online sexual exploitation of children, international legal cooperation in investigations and prosecution, and combating human trafficking.

The Committee has provided separate funding recommendations by office and decision unit as follows:

Office Solicitor General .....	\$13,474,000
Tax Division .....	\$111,002,000
Criminal Division .....	\$198,744,000
Civil Division .....	\$316,938,000
Environment and Natural Resources Division .....	\$113,458,000
Office of Legal Counsel .....	\$9,195,000
Civil Rights Division .....	\$165,998,000
INTERPOL .....	\$35,592,000
Office of Pardon Attorney .....	\$4,810,000
Total, General Legal Activities .....	\$969,211,000

*Mutual Legal Assistance Treaty (MLAT).*—The Committee supports DOJ’s continued MLAT reform efforts to reduce the substantial backlog in meeting requests for mutual legal assistance from both foreign and domestic partners, and the dramatic growth in MLAT requests overall. As part of this effort, the Committee expects DOJ to prioritize and expedite requests from international partners. The Department shall report to the Committee within 90 days of enactment of this Act on progress in reducing the backlog.

*Voting Rights Act Section 203 Language Assistance.*—The Committee recognizes that the CRT Voting Section has investigated and come to agreements with a number of counties to bring them into compliance with Section 203 of the Voting Rights Act (VRA). The Committee reiterates the importance of such enforcement on behalf of the covered language minorities, and again directs DOJ to include in its next budget request an update of previous reports made to the Committee on such compliance for fiscal years 2019 and 2020. The recommendation also repeats direction that DOJ

publish annually on its website information about Section 203 suits, including at a minimum the number that are opened, ongoing, or resolved. If available, such reporting should also include: a breakdown, by suit, of the language(s) involved; the reason suits/cases are closed (e.g., not enough evidence of non-compliance available, no evidence of non-compliance, Memoranda of Agreement); the average number of Section 203 investigations per attorney; and the average length of time per such investigation. If such data is restricted from publication as a matter of policy, the Committee directs that it be submitted as a separate, classified report to the Committee.

*Civil Rights Division (CRT).*—The Committee is disappointed at the failure of the Department to follow congressional direction included in House Report 116–101 with regard to the components of the Civil Rights Division (CRT). The information requested is neither privileged nor does it raise security concerns; it is statistical and retrospective information; does not expose details about active investigations; and is required to assist Congress in its oversight of the Department. Within 90 days of enactment of this Act, and quarterly thereafter, the Committee directs the Department to submit a report detailing, by CRT section: the number of suits filed in federal court by each section of the Civil Rights Division, and the number of cases that reached a final disposition (settlement, consent decree, or judgment). Within each area, numbers should be broken down to include the animating statute and type of case the Division brought (for instance, if the case was brought under the Civil Rights Act, then the information should detail what type of claim and what Title the claim was brought under). The Department should detail the number of cases appealed, and the type of case and claim involved. Lastly, the report should include the number of current staff (and the specific number of attorneys) assigned to each Section of the Civil Rights Division for each time period. If the Department deems any of the information should not be made public, it should identify that to the Committee and provide under separate cover.

The Committee also notes that because the CRT budget justification did not reflect the distribution of caseload between CRT subdivisions, it is difficult to determine how full-time equivalent resources align with demand on those resources. The Committee expects DOJ to include clearer metrics and caseload statistics for CRT anti-discrimination missions, such as (but not limited to) Fair Housing and Voting Rights Enforcement, in its fiscal year 2022 request.

*Fair housing enforcement.*—The Committee remains deeply concerned about the adequacy of DOJ enforcement of racial discrimination provisions of the Fair Housing Act of 1968 (FHA), and directs the Department to submit expeditiously the report required under Public Law 116–93 on FHA racial discrimination cases brought during fiscal years 2015 through 2020.

*Consent decrees.*—The Committee reminds the Department that it has yet to receive the report specified in House Report 116–101, as required pursuant to Public Law 116–93, on the Department’s efforts to enforce vigorously all consent decrees negotiated under any civil rights statute. The Committee expects the Department to submit this report expeditiously, to include decrees issued under

the pattern or practice investigations provisions under the Omnibus Crime Control and Safe Streets Act of 1968 and the Violent Crime Control and Law Enforcement Act of 1994. The Committee has included an additional \$10,000,000 for the Civil Rights Division to support these efforts, as prescribed in the George Floyd Justice in Policing Act, H.R. 7120, as passed by the House of Representatives on June 25, 2020.

*Impact of Shelby County v. Holder.*—The Committee continues to be concerned that as a consequence of the Supreme Court’s decision in *Shelby County v. Holder*, CRT has had to undertake resource-intensive litigation to meet its responsibility under the Voting Rights Act to ensure equal access to elections regardless of race, ethnicity, and linguistic ability. The Committee directs DOJ to submit expeditiously the report required under Public Law 116–93 describing how the *Shelby County* decision has affected the resources available to the CRT Voting Section to enforce Federal voting laws, including its ability to monitor and ensure the fair administration of the 2020 Presidential election, and recognizing that the report may not include details on internal deliberative or decision processes.

*Human trafficking.*—The Committee urges DOJ to make it a priority for the CRT Human Trafficking Prosecution Unit and DOJ’s Anti-Trafficking Coordination Teams to investigate and prosecute human traffickers. The Committee directs DOJ to work with victim service providers and non-governmental organizations assisting trafficking victims in the United States.

*Global Magnitsky Human Rights Accountability Act.*—The Committee encourages the Department to enhance efforts of the Criminal and Civil Divisions to assemble and vet the large number of case files of individuals and entities subject to sanctions under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

*Animal fighting.*—Animal fighting is a crime that causes undue suffering to animals, and is often connected with violent crime and drug trafficking, but the Committee is concerned about the adequacy of enforcement of the animal fighting statutes (7 U.S.C. §2156 and 18 U.S.C. §49) and other laws related to animal welfare crime. DOJ shall make it a priority to investigate and prosecute violations of animal welfare laws and is strongly encouraged to create a dedicated section within the Environment and Natural Resources Division to enforce such laws.

#### VACCINE INJURY COMPENSATION TRUST FUND

The recommendation includes \$19,000,000, as requested, as a reimbursement from the Vaccine Injury Compensation Trust Fund for the costs of litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

The Committee recommends \$180,274,000 for salaries and expenses of the Antitrust Division (ATR), \$13,519,000 above fiscal year 2020 and \$8,250,000 below the request. The recommended funding level is offset by \$150,000,000 in estimated fee collections for a net direct appropriation of \$30,274,000.



*High-speed internet access.*—Because access to high-speed internet service is essential for rural and urban areas to participate fully in the digital economy, ATR shall investigate monopolistic practices among cable companies and internet service providers, especially where such practices may involve making residential build-out obligations a condition of a corporate merger; and include the impact of such practices on (1) service availability; (2) service quality, including speeds; and (3) service price. ATR shall take action necessary to further the promotion of free and fair competition in this marketplace in all communities, including rural areas.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The Committee recommends \$2,347,177,000 for the Executive Office for United States Attorneys and the 94 United States Attorneys' offices, which is \$92,636,000 above fiscal year 2020 and \$31,241,000 below the request. The Committee has provided separate funding recommendations by decision unit as follows: \$1,760,478,000 for criminal litigation; \$559,094,000 for civil litigation; and \$27,605,000 for legal education. This fully funds requested increases to sustain operations at the fiscal year 2020 level. Within funding provided, the U.S. Attorneys are expected to maintain efforts to investigate and prosecute crimes related to elder justice, human trafficking, opioid trafficking, transnational crime, and targeted violence. The recommendation also includes an increase of \$10,000,000 for additional expenses relating to the enforcement of section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), criminal enforcement under sections 241 and 242 of title 18, United States Code, and administrative enforcement by the Department, including compliance with consent decrees or judgments entered into under such section 210401.

*Immigration enforcement data.*—The Committee directs DOJ to continue to submit quarterly reports, by U.S. Attorney district, on defendants who are charged with violations of 8 U.S.C. 1325 and 8 U.S.C. 1326 (improper entry or illegal reentry). In addition, the Committee recommends that Federal prosecutors and public defenders document those cases in which a defendant states that they are migrating to rejoin children residing in the United States, and that DOJ aggregate such data and publish it monthly.

*Credible Fear.*—The April 11, 2017 Attorney General memorandum to Federal prosecutors entitled “Renewed Commitment to Criminal Immigration Enforcement” directed every District to designate a “Border Security Coordinator”. The Committee directs the Department to report to the Committee, not later than 90 days after enactment of this Act, and quarterly thereafter, on the implementation of that memorandum. In particular, the report should identify, for each District, the designated Border Security Coordinator, and the number of Federal criminal prosecutions made pursuant to the memorandum. The data should indicate whether defendants expressed a fear of return to his or her country of origin.

*Human trafficking.*—The recommendation continues bill language requiring that each U.S. Attorney participate in human trafficking task forces, and DOJ shall continue to submit semiannual reports on the performance of these task forces.

## UNITED STATES TRUSTEE SYSTEM FUND

The Committee recommends \$232,361,000 for the United States Trustee Program, which is \$5,132,000 above the fiscal year 2020 appropriation and \$2,103,000 below the request.

*Compliance with bonus restrictions.*—The Committee believes policymakers would benefit from more precise information on the incidence and magnitude of bonuses paid by companies in chapter 11 bankruptcy. The Committee therefore directs the Government Accountability Office (GAO) to study this topic and submit a report not later than October 1, 2021. The report should identify selected debtor companies under Chapter 11 Bankruptcy proceedings during fiscal year 2020 that requested or were granted permission to pay bonuses to insiders or employees during such bankruptcy case. For each such company, the report shall include what the company paid or is seeking to pay for such bonuses, and, where available, the number of employees and insiders who received or will receive such bonuses (excluding sales commissions). The report shall also include an analysis of bankruptcy statutes that allow bonuses in bankruptcy and potential policy solutions to prevent such bonuses. For purposes of this report, the term “bonus” means: a transfer to, or obligation incurred for the benefit of, an individual employed by the debtor or insider of the debtor as compensation for services in an amount that (A) is in addition to the existing wages, salary, or base compensation of an insider of the debtor or individual employed by the debtor; (B) can be construed as a form of retention, incentive, or reward related to the services provided to the debtor by the insider or the individual employed by the debtor, and (C) excludes sales commissions. In addition, for the purposes of this report, the term “insider” refers to the definition set forth in 11 U.S.C. § 101(31). The United States Trustee shall use all available legal authority to obtain and share relevant information with the GAO to prepare this report.

## SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The Committee recommends \$2,366,000 for the Foreign Claims Settlement Commission, which is equal to the request.

## FEES AND EXPENSES OF WITNESSES

The Committee recommends \$270,000,000, which is the same amount as fiscal year 2020, for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party. This appropriation is considered mandatory for scorekeeping purposes.

## SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

## (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$20,300,000 for the Community Relations Service (CRS), and rejects the proposal to abolish and reassign its mission and responsibilities to the Civil Rights Division. The recommendation includes not less than \$1,500,000, as authorized, to implement Public Law 114–325, the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act. The recommendation also includes \$3,300,000 for additional conflict resolution efforts, as au-

thorized in section 116(2) of H.R. 7120, the George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020.

CRS has a unique role to play in the Justice Department. While not a law enforcement agency, CRS operates in all U.S. States and territories to advance justice and reconciliation by working with all parties, including State and local government units, private and public organizations, civil rights groups, and community leaders, to uncover the underlying interests of all involved in conflicts. It facilitates the development of mutual understanding in communities challenged by tension and conflict and helps them develop local capacity and tools to defuse tension and prevent hate crimes from re-occurring.

#### ASSETS FORFEITURE FUND

The Committee recommends \$20,514,000 for expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code. This amount is the same as the fiscal year 2020 amount and the budget request.

Section 528 of this Act requires the Department to submit a spending plan for fiscal year 2021. The Committee directs the Department to include in this plan proposed spending from the Fund, to include estimates of: Fund balances; equitable sharing payments; Joint Law Enforcement Operations obligations; and obligations by component.

#### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES

The Committee recommends \$1,484,184,000 for the salaries and expenses of the United States Marshals Service (USMS), which is \$54,184,000 above fiscal year 2020 and \$128,889,000 below the request. The recommendation sustains current services for activities and initiatives funded in fiscal year 2020. Within funding provided, the Committee expects USMS to sustain efforts in fugitive apprehension, judicial protection, fugitive task forces, extradition support, countering violent crime, and continued enforcement of laws relating to international travel of sex offenders, including through the Angel Watch Center.

The Committee has provided separate funding recommendations by decision unit as follows:

Judicial and Courthouse Security .....	\$501,325,000
Fugitive Apprehension .....	\$586,563,000
Prisoner Security and Transportation .....	\$264,200,000
Protection of Witnesses .....	\$64,062,000
Tactical Operations .....	\$68,034,000
Total, Salaries and Expenses .....	\$1,484,184,000

##### CONSTRUCTION

The Committee recommends \$15,000,000, which is the same amount as fiscal year 2020 and the request, for construction and related expenses in space controlled, occupied, or used by USMS for prisoner holding and related support. The Committee expects USMS to apply this funding to its top priority projects.

## FEDERAL PRISONER DETENTION

The Committee recommends \$1,867,461,000 for Federal Prisoner Detention, which is the same as the fiscal year 2020 appropriation and \$179,148,000 below the request.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$114,387,000 for the National Security Division (NSD), which is \$4,837,000 above fiscal year 2020 and \$2,614,000 below the request. This amount will sustain NSD operations at no less than the fiscal year 2020 level to address its national security and counterterrorism workload, including its responsibilities under the Foreign Intelligence Surveillance Act and the Foreign Agents Registration Act (FARA). Within funding provided, the Committee encourages NSD to enhance its efforts in foreign investment review, counterintelligence and export control, and victim support, as well as intelligence collection, oversight, insider threat prevention, and activities to counter and prevent domestic terrorism.

*Counsel for Domestic Terrorism.*—The growing threat of domestic terrorism, particularly homegrown violent and racist extremism, justifies a commensurate response by the Department. The Committee encourages DOJ to consider elevating the position of Counsel for Domestic Terrorism to the rank of Deputy Assistant Attorney General, with sufficient staff and resources to meet rising investigative and prosecution workload.

## INTERAGENCY LAW ENFORCEMENT

## INTERAGENCY CRIME AND DRUG ENFORCEMENT

The Committee recommends \$565,000,000 for Interagency Crime and Drug Enforcement, which is \$14,542,000 above fiscal year 2020 and \$20,145,000 below the request. Funds included under this heading will support interagency Organized Crime Drug Enforcement Task Forces (OCDETF), which target high-level drug trafficking organizations through coordinated, multi-jurisdictional investigations. This funding level will sustain operations at no less than the fiscal year 2020 level.

*Decision unit subtotals.*—The recommendation includes \$388,470,000 for investigations and \$176,530,000 for prosecutions. The Committee expects OCDETF to continue to enhance its investigative, intelligence, and prosecutorial efforts through OCDETF-led activities, including the OCDETF Fusion Center, OCDETF Collocated Strike Forces and the International Organized Crime Intelligence and Operations Center, and direct collaboration with State and local law enforcement, United States Attorneys' offices and the Criminal Division. The Committee expects OCDETF to focus additional resources on targeting opioid trafficking organizations.

*Full-Time Equivalents (FTE).*—The Committee directs the Department to submit an updated report on historical investigative and prosecutorial FTE levels for OCDETF concurrent with its fiscal

year 2022 budget request as specified in the fiscal year 2020 Appropriations Act.

*Northern triangle transnational criminal organizations (TCOs).*—The Committee is concerned by reports of TCO targeting of legitimate businesses along drug trafficking routes across the Northern Triangle countries, particularly in Guatemala. Destabilizing legitimate businesses increases dependence on TCOs for security and financial support, and reduces the economic opportunity and safety that deter migration. The Committee encourages OCDETF, in coordination with DEA and other Federal and international partners, to address this troubling pattern of activity, and to brief Congress regarding those efforts within 90 days of enactment of this Act.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES

The Committee recommends \$9,703,348,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI), which is \$235,446,000 above fiscal year 2020 and \$45,481,000 below the request. The recommendation includes funding to sustain all programs carried out in fiscal year 2020, to include efforts to boost the capacity and speed of the National Instant Criminal Background Check System (NICS), and continues \$5,000,000 in funding as authorized to implement the Emmett Till Civil Rights Act. It also includes an increase of \$5,000,000 for the Corruption/Civil Rights Section for additional expenses relating to the enforcement of section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), criminal enforcement under sections 241 and 242 of title 18, United States Code, and administrative enforcement by the Department, including compliance with consent decrees or judgments entered into under such section 210401. The recommendation does not reflect an unspecified reduction of \$148,053,000 in “other adjustments”, and the Committee directs the Department to eschew such budget gimmicks in its future requests. Within funding provided, the Committee encourages the FBI to enhance its efforts to combat foreign threats, maintain operations of the National Threat Operations Center, and development of counter-unmanned aerial systems (C UAS). The Committee also urges the FBI to sustain its cyber effort; its efforts to combat crime and corruption, including human trafficking; and national security responsibilities such as the Terrorist Screening Center. The Committee also encourages the FBI to sustain its efforts to investigate fraud, white-collar, and hate crimes, and build on its successes in human trafficking investigations. In a post-COVID–19 environment, it is essential that the FBI allocate its resources, agents and staff based on the unique threats and workload of each field office to meet the highest FBI priorities.

The Committee has provided separate funding recommendations by decision unit as follows:

Intelligence .....	\$1,824,480,000
Counterintelligence and National Security .....	\$3,927,183,000
Criminal Enterprise and Federal Crimes .....	\$3,365,594,000
Criminal Justice Services .....	\$586,091,000
Total, Salaries and Expenses .....	\$9,703,348,000

*Hate Crimes Statistics Act (HCSA).*—The Committee continues to urge State, local, and tribal law enforcement agencies to include the cost of participation in the FBI’s HCSA program for the purposes of calculating extraordinary expenses associated with the investigation and prosecution of hate crimes under Public Law 111–84, section 4704(b)(3).

*Racial extremist recruitment.*—The Committee is aware that a recent *Military Times* poll shows that more than one in three U.S. members reported witnessing examples of white nationalism among their fellow troops, a significant increase over the 2019 poll. The Committee reminds the FBI of its direction in House Report 116–101, as required pursuant to Public Law 116–63, to update its 2008 report, “White Supremacist Recruitment of Military Personnel since 9/11” and directs that this be completed not later than June 1, 2021.

*Domestic White Supremacist Terrorist Activity.*—The Committee is aware that most FBI domestic-terrorism investigations in the past year were linked to white supremacy. The Committee supports FBI’s recent elevation of racially-motivated violent extremism to a national threat priority. However, the Committee is concerned that recent reorganization and classification actions may have reduced the quality of data on such attacks, such as their frequency and scale, with the result being less useful data on which to base Committee resource decisions. The Committee directs the FBI to report, not later than 180 days after enactment of this Act, on the number of incidents in fiscal years 2016 through 2020 that required surveillance, investigation, and prosecution of white supremacist activity or racially motivated violent extremism associated with white supremacist ideology, and include, if available, incidents in which the FBI deferred to State or local authorities.

*Universal Crime Report.*—The Committee expects the FBI to submit as soon as possible the report directed in the fiscal year 2020 Appropriations Act on the feasibility of collecting non-fatal firearms-related incidents as part of the Universal Crime Report (UCR), with an estimate of resources needed to accomplish this goal.

*Integrated medical support for tactical operations.*—The Committee continues to support the FBI’s use of external partnerships in the Operational Medicine Program to support medical contingency planning and improve the delivery of medical care for high-risk law enforcement missions, and recommends continued work and investment to achieve full engagement with proven medical partners.

*Gun violence data sharing.*—The Committee expects DOJ to submit expeditiously the cross-agency report on gun violence data as required by the fiscal year 2020 Appropriations Act.

*Cyber stalking.*—The Committee is deeply disappointed that DOJ and the FBI have not yet submitted the report on their actions to address cyber-stalking and threat crimes as required by the fiscal year 2018 Appropriations Act, and directs DOJ to submit this report without delay.

*Elder fraud.*—The Committee is concerned about the sharp rise in fraud perpetrated against senior citizens who are wrongly brought under guardianship or have their assets mismanaged or stolen. The Committee is aware that the FBI participates in the

Elder Fraud Initiative and Transnational Elder Fraud Strike Force, along with DOJ components and other agency partners, and urges increased energy be put into these efforts, including enforcement of the Elder Abuse Prevention and Prosecution Act of 2017 (EAPPA), to provide detailed reporting on its progress in reducing such fraud as part of the annual report to Congress pursuant to EAPPA, and to develop and implement a guardianship fraud hotline, to include requesting necessary funding and staffing for such efforts in its fiscal year 2022 budget request.

*Data on crime in the U.S. territories.*—The Committee has serious concerns about the limited and inconsistent availability of data regarding crime in the U.S. territories. The Committee notes that while the FBI's annual Crime in the United States report includes statistics from the several States, the District of Columbia, and Puerto Rico, it lacks data from American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. The Committee understands that such information, which is provided on a voluntary basis, has not been consistently submitted or updated so that its information can be reflected in all UCR data collection products, including charts, maps, and other publications in the interactive Crime Data Explorer tool, or in the FBI's Preliminary Semiannual Uniform Crime Report. As the Summary Reporting System (SRS) will transition to the National Incident-Based Reporting System (NIBRS) by January, 2021, the Committee urges the FBI to continue to work with law enforcement agencies in the five U.S. territories to provide training, technical assistance, and NIBRS subject matter expertise to ensure it can collect and publish crime statistics from these jurisdictions, and directs the FBI to report to the Committee not later than 180 days after the date of enactment on the progress in achieving this goal.

*Internet investigations.*—The FBI and its partners investigate massive Internet-based child exploitation and human trafficking forums, which requires robust information sharing and technical tools to acquire evidence from the Darknet and other forums for prosecution. The Committee directs FBI to consider novel partnership and contracting strategies, along with its 21st Century training and technology initiatives, to acquire, develop, and implement advanced technical solutions to more rapidly exploit digital evidence and intelligence related to investigations targeting human trafficking and child exploitation efforts, both domestic and international.

*IED Program.*—The Committee encourages the FBI to consider developing a Research and Prototyping for IED Defeat training program for State and local law enforcement, based on its own efforts to establish defeat technologies, develop diagnostics, conduct fundamental science research and engineering, address remote capabilities and emerging threats, and develop render safe procedures. The Committee also encourages the FBI's Critical Incident Response Group to explore incorporating such a curriculum into its render safe training at the Hazardous Devices School, enabling standardized and consistent training to the entire civilian, domestic bomb squad community.

*Gunshot detection.*—The Committee notes the need for accurate, timely and dependable technology to record actual shots fired in an incident, to communicate that information to police dispatchers,

and to initiate body camera recording in such incidents. The Committee requests that the FBI evaluate such technology and report to the Committee, not later than 180 days after enactment of this Act, with an assessment of its potential value for Federal, State and local law enforcement, including any possible FBI role in sharing or supporting such technology, policy considerations, and recommendations for potential deployment.

*Unmanned aerial systems (UAS) threat.*—The Committee is concerned about the public safety threat posed by unauthorized drone operations, whether errant or malicious, and the corresponding need for UAS detection and mitigation solutions. The Committee encourages the FBI to consider procurement approaches that will facilitate rapid fielding of proven, cost-effective counter-UAS technologies, and to continue to update the Committee on its implementation of counter-UAS measures.

*Human trafficking investigations.*—The FBI is expected to sustain its investigations of human trafficking; its related intelligence collection, analysis, and information sharing; and work with human trafficking victims.

*Skilled workforce recruitment.*—Nearly every major FBI investigation has a foreign language component, and it has a continuing requirement for qualified linguists, and foreign language and culture training. The Committee encourages the FBI and other components to prioritize the hiring of a workforce with the critical language skills and scientific and technical expertise to succeed in counterterrorism, cyber defense, counterintelligence, and criminal investigative missions against terrorists and foreign actors.

*White supremacist infiltration in law enforcement.*—The Committee has read excerpts of the 2006 assessment entitled, “White Supremacist Infiltration of Law Enforcement”, and directs the FBI to provide an update to the Committee on its assessment of white supremacist infiltration in law enforcement, including actions that DOJ and the FBI have taken to address concerns regarding white supremacist presence in law enforcement since the 2006 assessment.

#### CONSTRUCTION

The Committee recommends \$51,895,000, which is the same as the request, for the construction of FBI facilities and related activities. Funding in this account will facilitate and expedite work on current design and construction projects at Quantico, as requested, and address necessary secure work environment (SWE) building and modifications.

The recommendation does not include a requested rescission of construction funding balances that were previously appropriated for headquarters consolidation and construction. The Committee remains greatly concerned about the risks and continuing costs associated with operating in the current, unsatisfactory headquarters. The Department is urged to answer longstanding concerns that have been raised by the Committee, and to submit a formal prospectus to be reviewed and approved by the appropriate committees of Congress.



DRUG ENFORCEMENT ADMINISTRATION  
SALARIES AND EXPENSES

The Committee recommends total budget authority of \$2,791,869,000 for Drug Enforcement Administration (DEA) salaries and expenses, of which \$460,499,000 is derived from fees deposited in the Diversion Control Fund, and \$2,331,370,000 is provided by direct appropriation. The recommended appropriation is \$62,670,000 above fiscal year 2020 and \$67,435,000 below the request.

The funding sustains activities at the fiscal year 2020 level. Within funding provided, the Committee encourages DEA to sustain its lawful access program efforts, combat transnational criminal organizations, and sustain its cyber/digital evidence activities. The Committee has provided separate funding recommendations by decision unit for salaries and expenses as follows:

International Enforcement .....	\$464,363,000
Domestic Enforcement .....	1,853,247,000
State and Local Assistance .....	13,760,000
<hr/>	
Total, Salaries and Expenses .....	2,331,370,000

*Diversion control.*—The recommendation includes \$460,499,000 for the regulatory and enforcement activities of DEA’s Diversion Control Program. The Diversion Control Program is funded by fee collections.

*Methamphetamine and fentanyl cleanup.*—The funding recommendation includes \$10,000,000 to assist State, local, and tribal law enforcement agencies in efforts to remove and dispose of hazardous materials at methamphetamine and fentanyl labs and processing operations, to include training, technical assistance, purchase of equipment and a container program.

*Telemedicine.*—The Committee continues to place a priority on reducing the crisis of prescription drug abuse and recognizes that some controlled substances, such as those employed in medication-assisted treatment, can be a critical part of treatment and should be available as clinically appropriate. The Committee requests that DEA complete its statutory requirement, pursuant to Section 3232 of Public Law 115–271, to promulgate regulations clarifying the limited circumstances in which Special Registration for Telemedicine may occur under the Ryan Haight Act.

*Controlled substances ordering system (CSOS).*—The Committee is aware of DEA efforts to replace the outdated electronic transmission of controlled substance orders through what is known as the Controlled Substances Ordering System (CSOS). The Committee is aware that with the number of transactions between pharmacies and distributors exceeding 800,000 per year, the design, architecture, integration, and implementation of a state-of-the-art system will be necessary and encourages DEA to use funding from the Diversion Control Fund for this purpose.

*Drug Disposal and Takeback Programs.*—The Committee continues to encourage DEA to consider in-home drug deactivation and disposal solutions that meet the agency’s regulatory definition of non-retrievable, and evaluate their effectiveness, particularly in areas with high rates of opioid misuse or abuse, rural areas, areas

with high populations of individuals with limited mobility, and areas that lack permanent disposal sites.

*Destruction of unwanted controlled substances.*—The Committee continues to encourage DEA to meet with commercial hazardous waste management industry members to discuss non-incineration disposal methods that meet DEA’s non-retrievable standard, as well as safety measures for the transport of controlled substances for disposal, including secure tamper-proof evidence packages or security tape sealed drums.

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

The Committee recommends \$1,550,000,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is \$150,000,000 above fiscal year 2020 and \$87,574,000 below the request. Bill language is included to prohibit the transfer of ATF’s current enforcement authorities, and within the funds provided, the recommendation supports no less than the fiscal year 2020 level of effort towards tobacco-related enforcement.

The recommendation fully funds the requested investments toward reducing violent crime and promoting public safety. These enhancements will allow for increased hiring to add personnel to ATF’s nationwide investigative capacity and the Crime Gun Intelligence Centers, expand its National Integrated Ballistic Information Network (NIBIN) National Correlation and Training Center capabilities, and support additional Industry Operations Investigators to improve ATF’s oversight of Federal Firearms Licensees. Further, the recommendation includes \$53,322,000 in critical operations support requirements which have not been properly met due to the increased cost of training and equipping ATF’s workforce. This investment will allow ATF to ensure the hiring and retention of its workforce. Since fiscal year 2001, the cost of hiring, training, and equipping a special agent has nearly doubled. The Committee expects ATF to be transparent about such increases in training and equipping the workforce in future congressional budget justification materials so the Committee is fully aware of the impact on annualized costs.

*National Integrated Ballistic Information Network (NIBIN).*—The Committee is encouraged by the promise of improved crime gun intelligence and information sharing, and expects funding provided in this bill will aid in interdicting crime guns and preventing gun trafficking through the NIBIN. The Committee continues to support efforts to expand the use of NIBIN and to ensure all law enforcement agencies have access to NIBIN’s correlation services and appreciates the investments being made by state and local partners to collect and share ballistics evidence across geographically separated law enforcement jurisdictions, and encourages ATF to continue to build on these investments. The Committee supports efforts to include both cartridge casings and bullets in the NIBIN program and encourages the Department to promote NIBIN as a critical forensic science tool and to identify opportunities to build partnerships with criminal justice training programs. Finally, the Committee encourages ATF to continue establishing a NIBIN pres-

ence on the Southwest border and looks forward to receiving the update on its efforts as described in House Report 115–704.

*Illegal firearms.*—The Committee is aware that firearms enter the illegal market through a limited number of channels, such as straw purchasers, corrupt firearms licensees, unlicensed sellers, and firearms theft. Law enforcement needs transparent data about these channels in order to develop the most effective enforcement strategies to reduce firearms trafficking. The last time ATF provided a report describing the channels of firearms trafficking was in the year 2000. Since that time, the National Tracing Center has collected over five million traces of crime guns. Despite explicit authorization to release “statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations,” since 2008 ATF has only released statistical aggregate data regarding the geographical location where crime guns were first sold at retail. Within one year of the date of enactment of this Act, ATF is directed to release a new report providing updated statistical aggregate data regarding trafficking channels and trafficking investigations within the confines of existing law.

*Training and research.*—The Committee supports the work of the National Center for Explosives Training and Research regarding both investigating criminal acts related to explosives, bombings, and explosives threats, and training involving State and local levels of government, and military units.

*Firearms tracing.*—The Committee is concerned about the high number of incorrect submissions by law enforcement agencies to ATF for firearms tracing. The Committee urges ATF to increase trace submission training for law enforcement agencies to include online training.

*Ghost guns.*—The Committee is concerned about the emergence of ghost guns—firearms made from parts without serial numbers or background checks—as a weapon of choice for violent criminals or those who would normally be prohibited from purchasing a firearm. The Committee believes the building blocks for these ghost guns should be regulated under Federal law and urges ATF to amend the definition of firearm frame or receiver as described under 27 C.F.R. § 478.11 to ensure existing and future designs are appropriately regulated. The Committee further directs ATF to provide all available data on the rate that Federal authorities encounter ghost guns, and recommendations on how to improve data collection.

*EForms Filing System.*—In order to further the goals of shortening processing times, reducing submission errors, and increasing efficiency, the Committee directs ATF to report on the feasibility and appropriateness of allowing third-party processors to effectively interact with ATF’s eForms electronic filing system. Such report shall include an analysis of the feasibility of establishing methods by which: (1) third-party processors may access the system’s application programming interface (API); (2) both transferors and transferees can certify forms through the provided interface; and (3) forms submitted through the interface are treated as equal to, and processed in sequence with and in comparable time to, forms not submitted through the interface. The Committee encour-

ages ATF to engage with stakeholders in the course of examining the feasibility of establishing such system modifications.

CONSTRUCTION

The Committee recommends \$5,000,000, for the requirements and design of a new, consolidated laboratory facility. The Committee recognizes that the current lease at the Walnut Creek laboratory will expire at the end of fiscal year 2023 as opposed to October 31, 2021 as originally stated in the supporting narrative to ATF’s congressional budget justification.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$7,770,000,000 for salaries and expenses of the Bureau of Prisons (BOP), which is \$300,000,000 above fiscal year 2020 and \$158,874,000 above the request. The Committee recommendation includes funding of not less than \$165,000,000 to sustain implementation of Public Law 115–391, the First Step Act of 2018 (FSA), to continue to expand and develop opportunities for incarcerated individuals to participate in evidence-based, recidivism-reducing programming and productive activities. The recommendation sustains all BOP operations at no less than fiscal year 2020 levels to enable BOP to make progress in hiring and training personnel, improve staffing to inmate ratios, and reduce overcrowding. It does not reflect the \$388,772,000 in unspecified “administrative savings” reduction proposed in the budget, and the Committee directs DOJ to eschew such budget gimmicks in its future requests.

The recommendation includes not less than \$60,400,000 requested for medically assisted treatment (MAT) and reentry programs to support FSA efforts; not less than \$10,000,000 for inspections related to improvement of aging electrical and utility systems and not less than \$14,600,000 for FSA-related residential reentry center (RRC) capacity. It also includes not less than \$26,000,000 as requested for cellphone detection technology, unmanned air system (UAS) threat countermeasures, and essential information technology modernization.

The Committee has provided separate funding recommendations by decision unit as follows:

Inmate Care and Programs .....	\$2,972,226,000
Institution Security and Administration .....	3,527,435,000
Management and Administration .....	292,708,000
Contract Confinement .....	977,631,000
	<hr/>
Total, Salaries and Expenses .....	7,770,000,000

*Augmentation or Reassignment.*—Overcrowding remains a serious threat to Correctional Officer safety, particularly at medium- and high-security facilities. To meet staffing needs, BOP routinely relies on the practice of augmentation or reassignment, whereby a non-custody correctional employee is assigned custody responsibilities. The Committee directs BOP to continue to hire more full-time Correctional Officers until such augmentation or reassignment is

no longer needed, and to improve staffing beyond mission-critical levels in custody and all other departments.

*Inmate-to-officer ratios.*—The Committee directs BOP to continue to submit quarterly reports on the inmate-to-correctional officer ratio at each facility, using the OPM definition of a corrections officer, broken out by security level and shift, including confirmation that at least two correctional officers are on duty for each shift at BOP facilities that house high security inmates, as specified in the fiscal year 2020 Appropriations Act. In addition, BOP is directed to develop and submit to the Committee a report, not later than 180 days after enactment of this Act, that (1) includes a cost estimate and strategic plan for implementing this standard for United States Penitentiaries, Administrative and Federal Detention Centers, and Witness Security Program (WITSEC) units that house high security inmates, but do not have a second officer on all three shifts as part of their mission critical roster; (2) reflects the cost to add officers, rather than simply reassign them; and (3) identifies all Housing Units that currently house high security inmates within the general population. This report shall be broken down by institution, State, and region.

*Pay disparities.*—The Committee recognizes BOP needs to keep its skilled employees but is aware of the financial cost associated with hiring, training, and retaining them. Therefore, the Committee directs DOJ to study the pay disparities between BOP employees and their counterparts in other agencies and report its findings to the Committee, not later than 90 days after enactment of this Act, including recommendations on how to retain employees.

*Direct hire authority.*—The Committee is aware that BOP has requested the Office of Personnel and Management (OPM) to delegate direct hire authority to BOP facilities. To ensure the safety of staff and inmates, the Committee encourages BOP to continue to work with OPM to provide direct hire authority for BOP facilities in which ten percent or more of the total available positions are vacant, prioritizing facilities with the largest number of vacancies.

*Communicable Diseases and Prisons.*—The Committee recognizes the incarcerated population faces significantly higher risks of acquiring a communicable disease, as demonstrated during the current COVID 19 pandemic. BOP policy requires that Federally managed and contract prison protocols include an assessment of inmate immunizations and the provision of basic medical care, including hepatitis B and C testing and treatment, as well as preventive health services such as immunizations. However, the DOJ Office of Inspector General (OIG) reported in 2016 that some BOP facilities, in particular contract prisons, were not complying with this policy. The Committee understands that the pandemic has imposed unforeseen burdens in administering inmate immunizations and wants to better understand how BOP is dealing with such challenges. The Committee directs the Department to report not later than 270 days after enactment of the Act on the progress, across both Federal and contract prisons, of efforts to achieve compliance with the protocols since the 2016 OIG report. The report should identify gaps in services and barriers to provision of immunization services; identify potential collaborations with health organizations to address identified disparities; and recommend ways to close them. Further, the Director of BOP is urged to develop guidelines

that include a comprehensive testing protocol, and precautionary measures with respect to sanitation and hygiene, including frequent cleaning and ready availability of soap and tissues.

*Medical service.*—The Committee is aware of concerns about uneven levels of medical service provided in its system, particularly for inmates who may have language disadvantages or be temporarily in BOP custody and thus have limited ability to convey concerns about such service. BOP is directed to submit a report to the Committee not later than June 1, 2021, on medical services provided in fiscal year 2020, by facility, that includes the following information: (1) the ratio of medical providers (doctors, nurses, and paramedics) to inmates; (2) qualifications of such medical providers; (3) the process by which inmates may file complaints, and the number and type of complaints filed; and (4) actions taken by BOP in response to complaints.

*Animal-assisted Therapy Classes for Incarcerated Women.*—The Committee is concerned that with 70 percent of incarcerated women in the United States responsible for a minor child, disruption to the mother-child bond when mothers are incarcerated places both populations at high risk for mental health problems and intergenerational incarceration. The Committee is also concerned that incarcerated women traditionally and persistently lack access to rehabilitation and reintegration support. However, the Committee is encouraged by the success of innovative parenting programs that incorporate animal-assisted therapy to help incarcerated mothers process trauma-based feelings, reduce anxiety, depression, and stress, while increasing parenting knowledge, and provide a supportive environment for their children during reunification efforts in a custodial setting. The Committee encourages DOJ to support animal-assisted therapy parenting programs, as part of existing BOP parenting classes.

*Mental wellness.*—The Committee recognizes the importance of mental health and wellness for correctional officers and directs BOP to report to the Committee, not later than 90 days after enactment of this Act, on its efforts to provide mental health services for staff currently and in the future.

*Medically Assisted Treatment.*—The Committee encourages the Bureau of Prisons to make abstinence-based relapse prevention treatment options available to inmates with a history of opioid dependence.

*Religious freedom in prisons.*—The Committee is aware the mission of the Religious Services Branch of BOP is to ensure the Constitutional religious rights of incarcerated individuals, but is concerned accommodation of the religious needs of such individuals, particularly in State, county, and local facilities, is inconsistent and insufficient. The Committee directs DOJ to publicize best practices on accommodating religious needs, including but not limited to prayer services, devotional items, and religious holiday observance and dietary restrictions; ensure BOP employees are trained on them, and review no fewer than 25 BOP facilities every three years on their compliance with the guidelines; and encourage States, counties, and localities to adopt such standards.

*Recidivism reduction.*—The Committee encourages DOJ to explore programs that reduce offender recidivism and end repeated cycles of violence and abuse by teaching skills for reducing stress,

processing past trauma, and providing practical knowledge of how to cope with negative emotions. The Committee further encourages DOJ to explore rehabilitation methods such as mindfulness and meditation which encourage incarcerated individuals to live to one's highest potential and contribute to society.

*Educational programs.*—The Committee supports DOJ's coordination and collaboration with Historically Black Colleges and Universities to provide educational programs for recently released and soon to be released criminal offenders to assist them in obtaining skills that will help them successfully transition back into their communities and reduce recidivism rates.

*Contraband interdiction.*—The Committee urges BOP to explore ways to reduce the amount of contraband that enters its facilities without restricting inmate rights to receive postal mail or interfere with delivery of verifiable legal mail, to include pilot projects to enable facilities to receive pre-screened postal mail and packages, such as via secure offsite facilities, to eliminate contraband risk while ensuring continuing, prompt delivery of communications with loved ones and legal counsel. Such solutions should optimize security while minimizing any additional cost or infrastructure for mail processing.

*Contraband cellphones.*—The Committee remains concerned about the rising use of contraband cellular phones and devices in facilities administered by BOP or under contract with them. Such devices facilitate criminal activity and threaten the safety of correctional officers and staff, other inmates, and the public, to include being used by inmates to carry out financial scams and sextortion of innocent citizens. It is essential that incarcerated individuals are denied access to the networks and spectrum that enable such illicit activity. The recommendation includes funding requested to interdict illicit cell phone use and directs BOP to act on the recommendations of its fiscal year 2016 report to Congress, to include, as appropriate, managed access or other technology, to thwart illegal inmate telecommunications while not interfering with legitimate spectrum use.

*Land Mobile Radio.*—The Committee considers Land Mobile Radio (LMR) communications and video security equipment used by BOP to be critical to officer and inmate safety and security at BOP facilities. In an environment where other alternative forms of communication and security measures cannot be employed, LMR and video security continue to be the only safe and secure methods for BOP facilities and personnel. The Committee is concerned that the age of 74 of the 100 LMR systems and more than 19,000 portable and mobile radios currently in use is causing them to become increasingly unreliable and difficult to maintain due to limited parts availability and serviceability. Therefore, the Committee urges BOP, within funding provided, to invest in necessary radio and video security upgrades. The Committee also urges BOP to build into its future year budget requests funding to refresh LMR radios and video security systems in facilities where aging communications infrastructure and equipment pose a threat to officer safety.

*Facility lockdowns report.*—The Committee is concerned with reports that during the March 2020 lockdown at the Metropolitan Correctional Center (MCC) in New York, NY, detainees experi-

enced interrupted access to counsel and their families during a prolonged safety lockdown. The Committee directs DOJ to conduct a study, and report its findings not later than September 30, 2021, on protocols followed by facilities operated by BOP and those housing BOP detainees in private contracted facilities, including those on a contractual agreement basis with other Federal agencies. The report should identify what conditions would warrant a lockdown longer than 72 hours; whether lockdowns lasting longer than 72 hours would constitute a violation of the Federal right, as defined in section 3626, under Subchapter C of chapter 229 of Part II of title 18, United States Code; and specify any conditions or factors, in combination with such lockdown, that may violate such Federal right.

In addition, the report shall include: (1) the number of facilities that experienced a facility lockdown longer than 72 hours in fiscal year 2021, and for each lockdown instance, provide a detailed explanation, including documented justifications for the lockdown, accommodations provided to meet inmate medical, dietary and hygiene needs and any arrangements to facilitate access to legal counsel; (2) BOP protocols used to resolve such lockdowns, with timeline targets (e.g., 72 hours), and descriptions of any circumstances when BOP staff determined such protocols could not be followed; and (3) a review of BOP contingency plans to ensure detainee access to counsel or family in lockdowns that exceed 72 hours, including data on the number of facilities and detainees, in fiscal year 2021, whose access was restricted in such circumstances, and identifying best practices to ensure that timely communication can be maintained.

*Employee firearms.*—The Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018 (Section 202 of the First Step Act (Public Law 115 391)) requires that each Federal penal or correctional institution provide a secure storage area located outside of the secure perimeter of the institution for employees to store firearms or allow employees to store firearms in a vehicle lockbox. The Committee recognizes the importance of this provision in ensuring BOP employee safety, and directs the BOP Director to provide the storage facilities required under the Act not later than the end of fiscal year 2021; to submit to the Committee an implementation plan for this by no later than 90 days after enactment of this Act; and to provide quarterly progress reports until completion.

*Home Confinement.*—The Committee recognizes the constraints BOP is under when operating prison facilities during the pandemic. The Committee acknowledges the parameters for home confinement have been outlined by the First Step Act, the CARES Act, and by memos issued by the Attorney General. The Committee is concerned about the total low percentage of inmates released, particularly at facilities with high numbers of positive cases. Therefore, the Committee urges BOP to brief the Committee within 30 days of the date of enactment of this Act on the status of efforts to increase home confinement as a response during the pandemic.

#### BUILDINGS AND FACILITIES

The Committee recommends \$110,000,000 for the construction, acquisition, modernization, maintenance, and repair of prison and



detention facilities housing Federal inmates. This amount is \$198,000,000 below fiscal year 2020, and \$10,547,000 above the request.

*Modernization and repair.*—The Committee expects the Bureau to apply the funding to reduce its longstanding maintenance and repair (M&R) backlog, and directs BOP to prioritize its funding for repairs that address life and safety issues, and facilities assessed as having deficiencies of a geological and seismic nature. BOP shall continue to provide monthly status of construction reports and notify the Committee of any changes reflected in those reports. The Committee directs BOP to develop a schedule and timeline for repairs of facilities with geological and seismic deficiencies, and include updates in the monthly M&R reports.

*Detention facility infrastructure.*—The Committee reminds the Department that it expects to receive the report on detention facility infrastructure not later than October 1, 2020, as required by the fiscal year 2020 Appropriations Act. It is expected that the report will reflect lessons learned from managing the BOP mission during the COVID-19 pandemic, and in making its facilities safer for both inmates and BOP personnel.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The Committee recommends a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated, which is the same as fiscal year 2020.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

Within the overall amounts provided for grant programs of the Department of Justice, the Committee recommends \$343,000,000 for Community Oriented Policing Services, equal to fiscal year 2020, and \$525,000,000 for Byrne Justice Assistance Grants, \$22,210,000 below fiscal year 2020. The Committee notes that funds for these programs are subject to new conditions contained in sections 219, 221, and 222 of this Act.

The Committee has included a significant funding increase for overall Department of Justice grants, with a particular aim toward ensuring strong increases for programs authorized by H.R. 7210, the George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020.

*State and Local Law Enforcement Training Grants.*—The Committee is concerned regarding the apparent distance between state and local law enforcement agencies and the communities in which they serve and protect. Too often a show of strength supersedes service and a projection of power precludes protection. The goal of law enforcement is to ensure that life, liberty, and the pursuit of happiness is available to everyone in the United States without fear of being targeted or mistreated. While the Committee applauds agencies that have succeeded in implementing effective policing strategies and developing healthy and trusting relationships within communities, those agencies that have not must improve their policing practices immediately. To that end, the recommendation provides \$50,000,000 within the Byrne Memorial Justice Assistance Grants Program for training for State and local law en-

forcement officers on racial profiling, implicit bias, de-escalation, use of force, the duty to intervene when witnessing other officers using excessive force, and procedural justice. The Committee urges the Department to place the highest priority on applications from grantees who can demonstrate quantitative results from evidence-based training programs that will address these areas of concern. The Committee further notes that many immigrant communities have particular challenges in ensuring effective community policing, including language barriers, recruitment issues, and trust issues involving views of immigration enforcement. Therefore, the Committee urges the Department to ensure that grants funded under this program also help address the unique challenges of policing in immigrant communities.

*Police Training and Accreditation.*—The Committee directs the Department to assist small jurisdictions and small law enforcement agencies as they work through the application process related to grants for police training and police accreditation.

*Community-based Organization Grants.*—The Committee provides \$25,000,000 for grants to community-based organizations, as authorized by subsections (b) and (c) of section 114 of H.R. 7120 as passed by the House of Representatives on June 25, 2020, to study and implement: (1) effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies; or (2) effective strategies and solutions to public safety, including strategies that do not rely on Federal and local law enforcement agency responses. The studies shall address standards relating to administrative due process, residency requirements, compensation and benefits, use of force, racial profiling, early warning systems, juvenile justice, school safety, civilian review boards or analogous procedures, or research into the effectiveness of existing programs, projects, or other activities designed to address misconduct by law enforcement officers.

*Police Accountability and Community Engagement.*—The Committee urges the Department to make funds available to help non-profit organizations, institutions of higher education, community groups, youth groups, and faith-based organizations facilitate organized dialogues that bring together community members and law enforcement officers so that they may collaborate to develop shared goals that will enhance the collective safety of the community. The dialogues should include diverse groups of community members, local elected officials, law enforcement leaders and officers, business leaders, and community members, including youth groups, to assess the state of police-community relations in states and local communities. The Department is further urged to partner with these organizations to develop strategies that will result in concrete action items that will improve the relationships between the police and the communities and further the goal of enhancing collective safety. Within 180 days of enactment of this Act, the Department shall submit a progress report to the Committee on the results of the dialogues as well as on any law enforcement practices that have changed as a result of the dialogues.

*Law Enforcement Management.*—The Committee provides \$25,000,000 to develop pilot programs and implement effective standards and programs in the areas of training, hiring and re-

cruitment, and oversight that are designed to improve management and address misconduct by law enforcement officers. The pilot program shall be consistent with the requirements as described in section 114(d) of H.R. 7120 as passed by the House of Representatives on June 25, 2020, including: (1) training on law enforcement policies, practices, and procedures addressing training and instruction to comply with cited accreditation standards; (2) policies, procedures, and practices for recruitment, hiring, retention, and promotion of diverse law enforcement officers; (3) oversight/complaint procedures, including the establishment of civilian review boards or analogous procedures; (4) juvenile justice and school safety, including standards relating to interaction and communication with juveniles, physical contact, use of lethal and nonlethal force, notification of a parent or guardian, interviews and questioning, custodial interrogation, audio and video recording, conditions of custody, alternatives to arrest, referral to child protection agencies, and removal from school grounds or campus; and (5) victim services, including psychological counseling, for individuals and communities impacted by law enforcement misconduct.

*Stops and Searches Data Collection.*—The Committee provides \$5,000,000 for up to five competitive demonstration grants to State and local law enforcement agencies to develop and implement data collection programs on hit rates for stops and searches by law enforcement officers, consistent with subsections (a) and (b) of section 333 of H.R. 7120 as passed by the House of Representatives on June 25, 2020. An additional \$500,000 is provided to the Bureau of Justice Statistics to collect and analyze the data submitted to the Department under this program by State and local law enforcement agencies.

*STOP School Violence Act.*—The recommendation provides \$140,000,000 for the STOP School Violence Act grant program. Within this amount, \$87,000,000 is provided to the Bureau of Justice Assistance (BJA) for evidence-based school safety programs outlined in the Act and \$53,000,000 is provided to the Community Oriented Policing Service (COPS) program. The Committee directs the offices to work with other federal agencies to notify states, localities, tribes, and school districts of funding availability upon release, increase training and technical assistance for school district applicants, and provide microgrants for school districts, including rural, tribal, and low-resourced schools.

Through the STOP School Violence Act program, school districts should use funds for security hardening measures; evidence-based school threat assessments and trainings for school personnel and students to identify threats of school violence; locks, lighting, ballistic glass and other deterrent measures; safety and security of school premises by utilizing design elements and principles; and technology for expedited notification of local law enforcement during an emergency and other measures determined to provide significant improvement in physical security of schools.

The Committee recognizes the vital role of school design in the development and achievement of evidence-based strategies and programs related to school facility safety and security. Through the STOP School Violence Act grant program, school districts should consider using funds to compose school building design plans that strengthen the safety and security of school premises and uphold

the aesthetics of the school premises as a learning and teaching environment. The Committee clarifies that architecture and design services related to safe school design are allowable uses of STOP School Violence Act grant funding.

*Office for Victims of Crime (OVC).*—The Crime Victims Fund is not financed by taxpayer dollars but by fines and penalties paid by criminals. By statute, the Fund is dedicated solely to supporting victim services. The Committee recognizes the importance of these grants and the essential life-saving services provided to victims within State, local and tribal jurisdictions including domestic violence shelters, rape crisis centers, and child abuse treatment programs. The Committee encourages the Department to continue to fund these programs. The Committee directs OVC to provide an updated report to the Committee, not later than 90 days after the enactment of this Act, on the actions it is taking to ensure Crime Victims Fund resources are reaching communities most affected by violence.

The Committee notes that funding from the Crime Victims Fund, under 34 U.S.C. 20103, may be used by the Department to fund the salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services. The Committee encourages the Department to offer such support.

*National Hotlines.*—The Committee directs OJP to prioritize funding to support the operation of national crisis support hotlines that provide direct services to victims of crime including, but not limited to, victims of domestic violence, sexual violence, and identity theft. This funding is intended to support growth of existing services and should not be contingent on the creation of new technologies.

*Child Sexual Abuse.*—The Committee recognizes that child sexual abuse was already rampant before the COVID-19 pandemic; since the onset of the public health emergency, however, the risk of abuse in the home and online is increasing significantly. Therefore, the Committee supports a comprehensive approach to addressing child sexual abuse that combines victim-centered trauma-informed intervention care for children and child sexual abuse prevention education programs that provide tools for children, families and communities to combat and prevent child sexual abuse, with research into the prevalence and impact of child sex abuse, including its impact in communities of color. The Committee also encourages the Department to prioritize child-focused grant programs that serve children and youth who have experienced complex trauma from child sexual abuse.

*Violence Intervention Programs.*—Within funds provided, the Committee encourages the Department to support the establishment of innovative demonstration grants to hospitals to address the cyclical nature of violence in the community, consistent with the Office's Vision 21 transformation of victim's services.

*Opioids.*—The Committee directs the Department, unless otherwise specified, to dedicate no less than the fiscal year 2020 levels of opioid-related funding for opioid activities in non-Opioid Initiative programs.

*Persistent Poverty.*—The Committee is concerned about access to DOJ grant funding in high-poverty areas and persistent-poverty counties. For purposes of this Act, the term "high-poverty area"

means any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Survey of the Census Bureau and the term “persistent-poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates. When scoring competitive grant applications, the Department is directed to add additional priority, where practicable, to applications from grantees who can demonstrate that the individuals who will benefit from such grants reside in high-poverty areas or persistent-poverty counties. In addition, the Department shall provide guidance to such prospective grantees, especially prior to their application submissions, including to help determine whether they qualify for additional priority.

In addition, the Committee directs the Department to submit a report to the Committee on the percentage of funds allocated by each program in fiscal years 2018, 2019, and 2020 and estimates for fiscal year 2021 to serve populations living in persistent poverty counties and high-poverty areas. The Department is directed to report this information to the Committee within 90 days of such data being available. The Committee looks forward to the briefing directed in House Report 116–101 and further directs the Department to provide a briefing to the Committee not later than 180 days after enactment of this Act on how the Department is carrying out this directive.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$525,000,000 for the Office on Violence Against Women (OVW), which is \$22,500,000 above fiscal year 2020. Funds are to be distributed as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(In thousands of dollars)

Program	Amount
STOP Grants .....	\$223,000
Transitional Housing Assistance .....	39,000
Research and Evaluation on Violence Against Women .....	3,500
Consolidated Youth-Oriented Program .....	12,000
Grants to Encourage Arrest Policies .....	53,000
Homicide Reduction Initiative .....	(4,000)
Sexual Assault Victims Services .....	42,500
Rural Domestic Violence and Child Abuse Enforcement .....	45,000
Violence on College Campuses .....	21,000
Civil Legal Assistance .....	47,500
Elder Abuse Grant Program .....	6,000
Family Civil Justice .....	17,500
Education and Training for Disabled Female Victims .....	6,000
National Resource Center on Workplace Responses .....	1,000
Research on Violence Against Indian Women .....	1,000
Indian Country—Sexual Assault Clearinghouse .....	500
Tribal Special Domestic Violence Criminal Jurisdiction .....	4,300

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS—Continued  
(In thousands of dollars)

Program	Amount
Rape Survivor Child Custody Act .....	2,200
Total, Violence Against Women Prevention and Prosecution Programs .....	\$525,000

*Human trafficking.*—The Committee encourages OVW to ensure that the Transitional Housing Program can assist victims of human trafficking, and the Committee urges DOJ to take these victims into consideration when distributing OVW funds.

*Rural victims.*—The Committee is concerned about the rise in the number of sexual assaults in rural communities. Victims of sexual assault living in rural communities are often reluctant to report to law enforcement for fear of being exposed. The Committee encourages the OVW to implement projects that reduce barriers to the reporting of crime in rural areas, colonias, and persistent poverty counties and report to the Committee not later than 90 days after enactment of this Act. Such report shall include a description of the progress made since delivery of the report on the same topic as required in House Report 116–101.

*Grant administration.*—The Committee supports OVW plans to streamline grant administration, management, and oversight functions by converting manual processes and related forms to a web-based, online workflow process.

*Community-Based Organizations.*—The Committee is concerned about the complex, multi-layered challenges and obstacles that victims face when attempting to access services. The Committee directs OVW to prioritize applications from grantees who are community-based organizations providing culturally specific services. The Committee further directs the Department to submit a report to the Committee on the number of community-based organizations allocated funds in fiscal years 2018, 2019, and 2020 and estimates for fiscal year 2021. The Department shall report this information to the Committee within 90 days after enactment of this Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

The Committee recommends \$88,500,000 for Research, Evaluation and Statistics, which is \$9,500,000 above fiscal year 2020 and \$2,000,000 above the request. Funds are distributed as follows:

RESEARCH, EVALUATION AND STATISTICS  
(In thousands of dollars)

Program	Amount
Bureau of Justice Statistics .....	\$45,000
National Institute of Justice .....	43,500
Domestic Radicalization Research .....	(6,000)
Research of School Safety .....	(1,500)
National Study of Law Enforcement Responses to Sex Trafficking of Minors .....	(1,500)
Nation Center on Forensics .....	(3,000)
Total, Research, Evaluation and Statistics .....	\$88,500

*Study of Best Practices in De-Escalation and Excessive Force.*—The Committee directs the National Institute of Justice to conduct a study to identify evidence-based procedures, practices, trainings, and policies that reduce the use of excessive force by law enforcement as well as support the effective use of de-escalation training to resolve confrontations peacefully. The Committee directs the Department to submit the findings of its report to Congress and to the public within 180 days of enactment of this Act.

*Law Enforcement Study Addressing Delayed Responses to Questions.*—As part of the Committee's concerns about the accountability of law enforcement, the Committee directs the National Institute of Justice (NIJ) to conduct a nationwide study of the prevalence and effect of any law, rule, or procedure that allows a law enforcement officer to delay the response to questions posed by a local internal affairs officer, or review board on the investigative integrity and prosecution of law enforcement misconduct, including pre-interview warnings and termination policies, consistent with requirements as described in section 115 of H.R. 7120 as passed by the House of Representatives on June 25, 2020. Not later than 180 days after the date of the enactment of this Act, the Department shall: (1) submit to the Committee a report containing the results of the initial analysis conducted under subsection (a)(2) of such section 115; (2) make the report submitted under subparagraph (A) available to the public; and (3) identify the jurisdictions for which the study described in subsection (a)(1) of such section 115 is to be conducted. In addition, not later than 2 years after the date of the enactment of this Act, the Department shall submit to the Committee a report containing the results of the data collected under this section and publish the report in the Federal Register.

*Evaluation of Data on Stops and Searches.*—Within the funds provided in this account, \$500,000 is included for analysis and evaluation of the data collected under the program, funded in this bill under Byrne JAG, for competitive demonstration grants to State and local law enforcement agencies to develop and implement data collection programs on hit rates for stops and searches by law enforcement officers, consistent with section 333 of H.R. 7120 as passed by the House of Representatives on June 25, 2020.

*Community Policing Practices, and Accountability Measures Between Agencies.*—The Committee recognizes the importance of accountability measures in building and maintaining relationships between law enforcement and the communities they serve. The Committee directs the Department to study and report on the differences in use-of-force, distribution of consent decrees, community policing practices, and accountability measures between agencies that have appointed heads and agencies that have elected heads.

*Reducing Racial and Ethnic Disparities in the Criminal Justice System.*—Within the funding provided for Research, Evaluation and Statistics, \$1,000,000 is for DOJ to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to provide an evidence-based, nonpartisan analysis of existing evidence to determine how observed racial and ethnic inequalities in the justice system might be reduced through public policy. The study should be informed by an understanding of the patterns, interrelationships among, causes and consequences of the race and ethnic distribution of crime and justice, and perceptions of criminal

justice in the United States. The study should identify which policies or approaches for reducing racial differences in crime and justice have suggestive evidence of effectiveness or appear promising but require further study, as well as which areas of research and policy should scholars and practitioners explore to broaden the nation's options to address racial and ethnic inequalities in the justice system.

*Pretrial detention.*—The Committee directs the Bureau of Justice Statistics (BJS) to collect information analyzing the population of individuals detained pretrial in local jails, State and Federal facilities, and private facilities under contract to Federal, State, and local authorities and report back to the Committee annually with the first report due not later than 180 days after the date of enactment of this Act. The report should include the number of individuals detained pretrial; the median duration of the pretrial detention period; the number of individuals detained pretrial who were offered financial release or not offered financial release; and the number of individuals who were offered financial release but remained detained because they could not pay the amount required. All data should be disaggregated by demographic and the level of the offense charged.

*Misdemeanors.*—The Committee is concerned with the lack of reliable data from States and local jurisdictions on the processing of misdemeanor arrests. As the largest aspect of our criminal system, it is vitally important to ensure justice is being administered in a fair and equitable manner. In recognition of limited resources, the Committee therefore urges the BJS to collect demographic data from a select number of large metropolitan jurisdictions that includes information on the race, ethnicity, and gender, as well as key socioeconomic factors, of each misdemeanor defendant, the type of offense charged, and the sentence imposed. The Committee also urges the Bureau to report to the Committee on the progress of these efforts, not later than 180 days after enactment of this Act.

*Human Trafficking Research.*—The Committee acknowledges the difficulty in estimating the prevalence of human trafficking, and the corresponding difficulty in gauging the effectiveness of the criminal justice system's response to the problem. Research can play an invaluable role in understanding prevalence and effectiveness through improved data collection and analysis. The Committee encourages the NIJ to continue funding research into human trafficking.

*BJS Data.*—The Committee recognizes the importance of the timely release of data on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical for policymakers and researchers to understand in combating crime and advancing equality in the justice system. The Committee directs the Bureau of Justice Statistics to release data in a timely manner and in accordance with its publication calendar. The Committee also directs that BJS communicate any changes in the timing of data releases as soon as possible to users of its data. The Committee further directs that BJS report to the Committee, not later than 60 days of the date of enactment of this Act, on its recent record of data releases and reasons for any delays.



*Incarcerated AAPI Data.*—The Committee is concerned that the Bureau of Justice Statistics data collection and reporting does not sufficiently reflect the incarcerated Asian American and Pacific Islander (AAPI) population. AAPIs are officially categorized as “others” in the Bureau’s publicly available reports. The Committee directs BJS to update its categories of race and ethnicity for data collection and recommends the use of OMB Standards for Collecting and Presenting Federal Data on Race and Ethnicity.

*Prison Suicide Incidence Report.*—Not later than 180 days after the enactment of this Act, and annually thereafter, the Department shall submit to the Committee a report detailing a comprehensive statistical review and analysis of the incidence of prison suicide. The statistical review and analysis should include, but not be limited to, the identification of the common characteristics of victims of prison suicide and prisons and prison systems with a high incidence of prison suicide. BJS is also directed to include recommendations for possible mitigation report strategies and changes to federal laws and regulations shall also be included.

*Maternal Health of Incarcerated Women.*—The Bureau of Justice Statistics shall include in the National Prisoner Statistics Program and Annual Survey of Jails statistics relating to the health needs of incarcerated pregnant women in the criminal justice system, including, but not limited to, the number of pregnant women in custody, outcomes of pregnancies, the provision of pregnancy care and services, health status of pregnant women, and racial and ethnic disparities in maternal health, at the Federal, State, tribal, and local levels. The Committee directs BJS to provide a publicly-accessible report, not later than 180 days after enactment of this Act, which summarizes this data.

*White Supremacist Domestic Radicalization Research.*—The Committee acknowledges the growing recognition that white nationalists spent decades building online communities with people and groups overseas to develop sophisticated operations and receive material support from their foreign allies. In addition, these groups are infiltrating local and state law enforcement agencies, including seeking to recruit members from within them, and pose a deep and continuing threat to our country’s national security by disrupting ongoing investigations of white extremist organizations and routinely harassing Black, Latino, and other minority communities. To respond to this elevated threat, the Committee provides an increase of \$1,000,000 over Fiscal Year 2020 funding for Domestic Radicalization Research and directs NIJ to prioritize this increase toward research efforts that explore the radicalization of Americans to white nationalist extremism and identify and advance evidence-based strategies for effective intervention and prevention.

The Department is encouraged to use funds for academic institutions to conduct radicalization research to enable community-based partnerships to evaluate the impact of existing countering violent extremism (CVE) programs and to conduct more research on: (1) the risk factors associated with violent extremism, and (2) assessing the effectiveness of counter-narratives.

*National Center on Forensics.*—The Committee supports the National Center on Forensics, through which NIJ partners with a State department of forensic science, an accredited university, and a State district attorneys association for the purpose of providing

opportunities for medical students to train as deputy medical examiners/coroners in underserved rural areas; provides forensic science and legal training to district attorneys, judges, and law enforcement; and benefits current and future practitioners in the field.

*Cybercrime.*—The Committee remains concerned about the lack of information on crimes committed against individuals and facilitated by the interstate telecommunications system and notes that the fiscal year 2019 Appropriations Act required NIJ to issue a report analyzing these crimes. The Committee is looking forward to reviewing the report, directed in House Report 116–101, to ensure the Committee has the information necessary to assess and deal with these crimes.

*Marijuana-Impaired Drivers.*—With the proliferation of state laws legalizing recreational and medical marijuana, the incidence rate of impaired driving has spiked. The Committee encourages the Department to assist states in identifying detection technologies that show promise in identifying drivers impaired by marijuana.

*Opioid research.*—The Committee recognizes that in-depth examination of fatal opioid overdoses, including fatalities following prior non-fatal overdoses, and trends in the evolution, trafficking, and use of illegally manufactured opioid analogues, in combination with existing illegal drugs, can yield valuable information for law enforcement, hospitals, treatment providers, and prosecutors as they identify effective policy, interventions, and prevention strategies. The Committee urges NIJ to support regional efforts to undertake such comprehensive opioid fatality research.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$2,402,000,000 for State and Local Law Enforcement Assistance programs, which is \$510,200,000 above fiscal year 2020 and \$890,800,000 above the request. Funds are distributed as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(In thousands of dollars)

Program	Amount
Byrne Memorial Justice Assistance Grants .....	\$525,000
Officer Robert Wilson III VALOR Initiative .....	(12,500)
Smart Policing .....	(7,500)
Smart Prosecution .....	(8,500)
NamUS .....	(2,400)
Training Program to improve Responses to People with Mental Illness .....	(3,000)
John R. Justice Grant Program .....	(3,000)
Prison Rape Prevention and Prosecution .....	(15,500)
Kevin and Avonte’s Law .....	(3,000)
Regional Law Enforcement Technology Initiative .....	(3,000)
Project Safe Neighborhoods .....	(20,000)
Drug Field Testing and Training Initiative .....	(2,000)
Capital Litigation Improvement and Wrongful Conviction Review .....	(6,500)
Managed Access Systems .....	(3,000)
Collaborative Mental Health and Anti-Recidivism Initiative .....	(1,500)
Juvenile Indigent Defense .....	(3,000)
Community Based Violence Prevention .....	(9,000)
National Center for Restorative Justice .....	(3,500)
Family Friendly Visitation Spaces in Correctional Facilities .....	(2,000)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE—Continued

(In thousands of dollars)

Program	Amount
Public Safety Innovation Grants .....	(5,000)
Law Enforcement Training .....	(50,000)
Grants to Improve Reporting on Use of Force .....	(15,000)
Hit Rates Data Collection Demonstration Grants .....	(5,000)
Police Reform in Jurisdictions Responding to Litigation .....	(7,200)
State Criminal Alien Assistance Program .....	251,500
Victims of Trafficking Grants .....	95,000
Economic, High-tech, White Collar and Cybercrime Prevention .....	14,500
Intellectual Property Enforcement Program .....	(2,500)
Digital Investigation Education Program .....	(2,000)
Adam Walsh Act Implementation .....	20,500
Patrick Leahy Bulletproof Vests Partnerships .....	29,000
Transfer to NIST/OLES .....	(1,500)
National Sex Offender Public Website .....	1,000
National Instant Criminal Background Check Systems (NICS) Initiative .....	88,000
NICS Acts Record Improvement Program .....	(25,000)
Paul Coverdell Forensic Science .....	30,500
DNA Initiative .....	142,000
Debbie Smith DNA Backlog Grants .....	(108,000)
State and Local Forensic .....	(19,000)
Activities:	
Kirk Bloodsworth Post-Conviction DNA Testing Grants .....	(9,000)
Sexual Assault Forensic Exam Program Grants .....	(6,000)
Community Teams to Reduce the Sexual Assault Kit (SAK) Backlog .....	49,000
CASA—Special Advocates .....	12,500
Indian Tribal Assistance .....	39,500
Second Chance Act/Reoffender Reentry .....	100,000
Smart Probation .....	(6,000)
Children of Incarcerated Parents Demo Grants .....	(5,000)
Pay for Success .....	(7,500)
Pay for Success (Permanent Supportive Housing Model) .....	(5,000)
Project HOPE Opportunity Probation with Enforcement .....	(4,500)
Community Trust Initiative .....	77,500
Body Worn Camera Partnership Program .....	(27,500)
Justice Reinvestment Initiative .....	(30,000)
Byrne Criminal Justice Innovation Program .....	(20,000)
Opioid Initiative .....	412,000
Drug Courts .....	(85,000)
Mentally Ill Offender Act .....	(43,000)
Residential Substance Abuse Treatment .....	(35,000)
Veterans Treatment Courts .....	(30,000)
Prescription Drug Monitoring .....	(31,000)
Comprehensive Opioid, Stimulant, and Substance Abuse Program .....	(188,000)
Keep Young Athletes Safe Act of 2018 .....	2,500
STOP School Violence Act .....	87,000
Immigration Representation Pilot .....	15,000
Hate Crimes Prevention Act Grants .....	8,000
Emmett Till Grants .....	2,000
Pattern and Practice Investigations .....	100,000
Independent Investigation of Law Enforcement .....	250,000
Community-Based Improvement of Law Enforcement .....	25,000
Pilot Programs to Improve Management and Address Police Misconduct .....	25,000
<b>Total, State and Local Law Enforcement Assistance .....</b>	<b>\$2,402,000</b>

*Byrne Memorial Justice Assistance Grant (Byrne JAG) program.*—The recommendation includes \$525,000,000 for the Byrne JAG program Funding under this formula program is authorized for law enforcement programs including those that promote data interoperability between disparate law enforcement entities; prosecution and court programs; prevention and education programs; corrections programs; drug treatment and enforcement programs;

planning, evaluation, and technology improvement programs; and crime victim and witness programs, other than compensation. Within the amount provided, \$12,500,000 is for the Officer Robert Wilson III Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability (VALOR) Initiative; \$7,500,000 is for Smart Policing; \$8,500,000 is for Smart Prosecution; \$3,000,000 is for juvenile indigent defense; \$2,400,000 is for the National Missing and Unidentified Persons System (NamUS); \$3,000,000 is for law enforcement training related to mental illness; \$3,000,000 is for the John R. Justice program; \$20,000,000 is for Project Safe Neighborhoods; \$6,500,000 is for capital litigation and wrongful conviction review; \$15,500,000 is for prison rape prevention and prosecution; \$3,000,000 is for managed access systems; \$1,500,000 is for a collaborative mental health and anti-recidivism initiative; \$3,000,000 is for Kevin and Avonte's Law; \$3,000,000 is for a regional law enforcement technology initiative; \$2,000,000 is for a drug field testing and training initiative; \$9,000,000 is for community-based violence prevention; \$3,500,000 is for the National Center for Restorative Justice; \$2,000,000 is for family friendly visitation spaces in correctional facilities; \$50,000,000 is for police training addressing use of force, de-escalation, racial profiling, implicit bias, procedural justice, and duty to intervene; \$5,000,000 is for Public Safety Innovation Grants; \$15,000,000 is for technical assistance grants to law enforcement agencies, consistent with the requirements as described in section 224 of H.R. 7120 as passed by the House of Representatives on June 25, 2020; \$5,000,000 is for competitive grants or contracts to law enforcement agencies, consistent with the requirements as described in subsections (a) and (b) of section 333 of H.R. 7120 as passed by the House of Representatives on June 25, 2020; and \$7,200,000 is for grants to support State and local law enforcement agencies in complying with law enforcement reform efforts as a result of litigation.

*Uses of Byrne JAG.*—The committee understands that Byrne JAG funding is a major resource to state and local jurisdictions. Use of this funding is broad and flexible to address community needs and fill gaps within state and local criminal justice systems such as strategic planning, research, testing, training, equipment, technical assistance, prevention programs, innovation programs and community partnerships. The Committee is aware that Communities across our nation have called for reforms in state and local law enforcement agencies. To support these much-needed reform efforts, the Committee directs the Department to work with small jurisdictions that employ less than 100 officers as they apply for training and accreditation grants. In addition, the Committee expects the Department to prioritize Byrne JAG formula grants for applicants requesting law enforcement training focused on addressing use of force, racial profiling, implicit bias, procedural justice, and duty to intervene as detailed above, accreditation of law enforcement agencies, development of uniform standards, community-based efforts that can help develop innovative law enforcement and non-law enforcement strategies, and crisis intervention teams. The Committee supports the use of Byrne JAG funding for grantees seeking to provide immersive, reality-based training programs that utilize role-playing and live-action scenarios for law enforcement officers.

The Committee urges the Department to work with community-based organizations to identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to identify areas where social workers may be able to support law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together.

*Public Safety Innovation Grants.*—The Committee provides \$5,000,000 within the Byrne JAG program for the development of best practices for, and the creation of, local task forces on public safety innovation. Such task forces shall be administrative entities, created from partnerships between community-based organizations and other local stakeholders, to explore and develop innovative law enforcement and non-law enforcement strategies to enhance just and equitable public safety, repair breaches of trust between law enforcement agencies and the communities they pledge to serve, and enhance accountability of law enforcement officers.

*Consent Decrees and Other Litigation Related to Police Practices.*—The Committee is aware of the Department of Justice's Civil Rights Division's investigations into law enforcement agencies and the resulting consent decrees. The Committee is also aware of the benefits received by the local communities and their citizens after a consent decree has been successfully enforced and the required reforms implemented. As tensions between certain communities and police departments have grown in recent years, the Committee seeks to ensure that consent decrees and other litigation-related efforts aimed at improving policing can be implemented successfully and as such, the Committee strongly encourages the Department of Justice to prioritize awards to such localities. These reform efforts have become increasingly common, and many experts say they are one of the best chances police departments have for taking on the daunting task of reform to address police misconduct and improve relations with a distrustful community. In order to ensure that all reforms can be implemented, cities need funding to support the kinds of training required and to buy needed equipment. The Committee recommends \$7,200,000 for the establishment of a new grant program to provide funding to police departments for police training, equipment, and other necessities to help comply with law enforcement reform efforts as a result of litigation, including consent decrees, out-of-court settlements, memoranda of understanding, findings, technical assistance, and recommendation letters provided by reform authorities. Funding would cover the resource gap needed to fully implement such reform efforts and enable local governments to share the cost of implementing the decree with the Federal Government.

The Committee encourages the Byrne JAG program to provide additional resources to those communities that are taking part in programs that seek to lower homicide rates through data and performance measurement analysis. The Committee advises that some Byrne JAG funds be directed to provide newer, more efficient forensics testing tools for rural jurisdictions. The Committee requests additional consideration be given to applicants who seek to

hire service-connected disabled veterans. The Committee encourages the Department to support the use of these grant funds for the purchase of fentanyl detection equipment.

The Committee is concerned about the growing epidemic of prescription drug and heroin abuse and its impact on law enforcement, and notes that funds within this account may be used for the implementation of medication-assisted treatment to help maintain abstinence from all opioids and heroin.

Byrne Justice Assistance Grants have an important role to play in preventing gun violence. The Committee encourages the use of Byrne JAG program funding for evidence-based violence prevention and intervention programs, including, but not limited to, intervention focused deterrence, street outreach, hospital-based violence intervention programs, and community inclusive violence problem analyses. The Committee believes these types of programs will help ensure efficient and effective spending of Federal, state, and local dollars.

The Committee encourages the use of Byrne JAG program funding to provide additional resources to those states that are implementing criminal record clearing processes, including sealing and expungement. These initiatives are intended to help address collateral consequences of a criminal record, such as barriers to both employment and housing. The Committee notes that successful re-entry for individuals with a criminal history is predicated on the ability to participate in society, such as maintaining employment and securing quality housing.

The Committee supports the use of grant funding for the acquisition of operational management software to track mission critical assets. Tracking and managing resources—including radio communications equipment, mobile technology, and protective equipment—enables and improves local law enforcement preparedness and operational planning. The Committee notes that Byrne JAG funds may be used for these purposes and encourages the Department to award funds for these purposes. The Committee is aware of existing community partnerships with local law enforcement to link video monitoring technology to reduce emergency response time and increase collaboration between community partners and law enforcement. The Committee notes that Byrne JAG funds may be used for these purposes and encourages the Department to award funds for these purposes. The Committee is aware of the value to law enforcement of gunfire detection and location technology and recommends Byrne JAG funds be awarded for this purpose.

*Visitation of Incarcerated Parents.*—The Committee recognizes that preserving positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development. The Committee recognizes that the environment of prisons can be intimidating and detrimental to child development. Therefore, the Committee provides \$2,000,000 within Byrne JAG for the Department to provide grants to States and localities for construction, renovation, or upgrades of child-friendly family visitation spaces in correctional facilities. Any construction or buildout space should take into consideration the best interests of child visitors. The Department should consult with the Bureau

of Prisons to ensure the facilities meet the criteria for best practices.

*Sentencing Alternatives Programs for Parents.*—The Committee recognizes that incarcerating parents creates poor outcomes for children, wherein the lack of parental support and supervision have proven to result in increased crime and harm to communities, particularly in the communities of color most affected by mass incarceration. Therefore, the Committee urges OJP to promote opportunities to support and strengthen parenting sentencing alternative programs.

*Byrne Justice Assistance Grant Funding for Police Patrols of At-Risk Non-Profits.*—The Committee directs the department to prioritize grants for state and local law enforcement requesting to increase patrols and deployments that bolster the security of at-risk nonprofit organizations including synagogues, churches, mosques, and other places of worship.

*High Risk Vehicle Events.*—The Committee notes that Byrne JAG funding can be used for pursuit technology and training to reduce deaths and injuries during high-risk vehicle events. The Committee encourages the BJS to develop a data collection process to accurately capture the number of deaths and injuries from police pursuit and high-risk vehicle events.

*STOP School Violence Act.*—The recommendation provides \$140,000,000 for the STOP School Violence Act grant program. Within this amount, \$87,000,000 is provided to the Bureau of Justice Assistance (BJA) for evidence-based school safety programs outlined in the Act and \$53,000,000 is provided to the Community Oriented Policing Service (COPS) program.

*Hate Crime Grants.*—The Committee is concerned by the rise in hate crimes across the country, particularly the rise in crimes targeting the Latino and LGBTQ communities, the persistence and prominence of anti-Black attacks, and anti-Semitic attacks. The Committee also understands that individuals or communities may be targeted based on race, religion, sexual orientation, gender identity, disability, or gender, according to the Federal Bureau of Investigation's Uniform Crime Reporting Program. The enactment of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84) provided the Federal Government with more tools and data to help states address and combat these bias-motivated attacks. The recommendation provides no less than \$8,000,000 for grant opportunities authorized in section 4704 of Public Law 111–84 to help states, localities, and tribal law enforcement agencies to conduct educational outreach and training on hate crimes and to investigate and prosecute hate crimes.

*Emmett Till unsolved civil rights grants.*—The recommendation includes \$2,000,000 in grants to state and local law enforcement agencies for the expenses associated with the investigation and prosecution of criminal offenses involving civil rights, as authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114–325).

*Immigration Representation Pilot.*—The recommendation includes \$15,000,000 for the OJP to establish a competitive grant pilot program for legal representation of immigrants who seek asylum and other forms of legal protection in the United States after entering at the southwest border. The Committee recognizes the

compelling need to ensure due process for the growing number of immigrants who seek asylum and who must navigate a complex legal system for processing of asylum claims. Legal representation, which many asylum seekers do not currently have, will ensure that the system works more efficiently, cases are processed more quickly, and the legitimacy of asylum claims are correctly determined. Grants, including subgrants, shall be made to nonprofit organizations that are qualified legal services providers. The Committee expects that the pilot program will support direct representation, including pro bono representation where possible, of immigrants currently detained by ICE at one or two small or medium-sized detention facilities, immigrants released into the local communities around those facilities, and immigrants released from those facilities to one or two high-release cities. Grant awards should take into consideration continuity of representation to help ensure individuals are represented until their cases are complete. Within 90 days of enactment of this Act, the OJP shall submit a report to the Committee on the implementation of this program.

*Officer Robert Wilson III Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Program (VALOR).*—Within the amount provided for the Byrne JAG program, \$12,500,000 is set aside for VALOR, of which no less than the fiscal year 2020 enacted level shall be obligated for active shooter training. The Committee recognizes that the VALOR initiative addresses increased violence directed at our law enforcement officers and prepares officers to anticipate and survive violent encounters.

*Victims of trafficking grants.*—The recommendation includes increased funding for human trafficking task force activities and for services for victims. These funds may also be used to develop, expand, and strengthen assistance programs for child victims of sex and labor trafficking. The Committee notes that the Justice for Victims of Trafficking Act established a Domestic Trafficking Victims Fund, which will provide additional resources for these programs. The Committee directs DOJ to support the victim-centered approach to recognizing and responding to human trafficking, especially across partnerships between Federal and local law enforcement agencies and victim service providers. The Department shall include a planned allocation of these funds in its spending plan. The Committee encourages the Department to increase the number of human trafficking task forces funded by this program.

*Internet Safety Grants.*—The Committee is concerned that existing Federal laws to prevent the Internet-enabled exploitation of children have not been adequately enforced, leading to increased harm to minors from obscenity, child pornography, predation, sex trafficking, and cyberbullying. The Committee encourages the Department to award grants under the Economic, High-tech, White Collar and Cybercrime Prevention grant program for internet safety programs to educate adults and parents about the dangers children face on the internet.

*Restricting Online Obscenity.*—The Committee is concerned that the expansion of unrestricted Wi-Fi in Government, Educational, and Commercial facilities is creating unsafe public environments due to the freely available access to online obscenity. The Committee encourages the Department to award Economic, High-tech,



White Collar and Cybercrime Prevention grants for programs that encourage greater corporate, government, and institutional responsibility for safer, more secure public Wi-Fi networks using readily available technology solutions to filter illegal child abuse images and obscene content.

*Opioid abuse.*—The recommendation includes \$412,000,000 for programs to reduce opioid abuse, as authorized by the Comprehensive Addiction and Recovery Act of 2016 (CARA; Public Law 114–198). Within this amount is \$85,000,000 for drug courts; \$43,000,000 for the Mentally Ill Offender Act; \$35,000,000 for Residential Substance Abuse Treatment (RSAT), \$30,000,000 is for veterans treatment courts; \$31,000,000 for prescription drug monitoring; \$188,000,000 for the Comprehensive Opioid Abuse Program (COAP); and no less than amounts provided in fiscal year 2020 for additional replication sites employing the Law Enforcement Assisted Diversion (LEAD) model, with applicants demonstrating a plan for sustainability of LEAD-model diversion programs, prioritizing sites with geographic barriers.

The Committee believes that communities must address opioid abuse through comprehensive strategies that incorporate enhanced enforcement, education and treatment. The Committee directs OJP to work with the Drug Enforcement Administration, the Department of Health and Human Services, and the NIJ to develop, and help communities implement, best practices to address opioid abuse.

The Committee encourages OJP to develop and apply metrics that incentivize stronger linkages between the responsible agencies, including but not limited to law enforcement, prosecutors, community-based treatment centers, hospitals, medical examiners, and public health departments. The Committee also encourages OJP to prioritize comprehensive, real-time, regional information collection, analysis, and dissemination.

The Committee supports the use of COAP funding to provide law enforcement with overdose reversal drugs, such as naloxone.

The Committee believes it is essential to any comprehensive opioid prevention strategy to include a vigorous program designed to strengthen the ability of States and tribes to develop identifiable and accessible take-back programs for unused controlled substances found in the home and used by hospitals and long-term care facilities.

The Committee encourages the Department to administer drug court grants with maximum flexibility in order to best accommodate the needs and available resources of eligible jurisdictions, including rural jurisdictions.

The Committee is aware that there can be a correlation between those suffering from mental health disturbances and repeat criminal offenders. Therefore, the Committee recommends that funds allocated to the Mentally Ill Offender Act should prioritize the operational expenses for centers that aid those with severe mental health needs who are at risk of recidivism. These mental health centers can provide, but are not limited to, the following services: crisis care, residential treatment, outpatient mental health and primary care services, and community re-entry supports. The Committee recommends that funding levels for grants be commensurate with demonstrated community needs.

The Committee is concerned by the high rates of re-incarceration among individuals with serious mental illness due to the inadequate management of their illness and encourages the Department to include long-acting injectable anti-psychotic medications as an allowable expense to improve treatment adherence and reduce risk for relapse and re-incarceration.

*Strategic Mobile and Response Teams (SMART).*—The Committee encourages DOJ to investigate the opportunity to conduct pilot programs to implement SMART at the Southwest Border. Border SMART Pilot programs should combine the use of officers and technology, including ground sensors and drones. The pilot programs should have inter-agency partnership and multi-layered security efforts, including marine, air, and terrestrial components, with the goal of increasing border security while reducing cost. The Committee reiterates its interest in receiving the briefing as directed in House Report 115–704, and the fiscal year 2020 Explanatory Statement, not later than 60 days after enactment of this Act.

*Sexual assault kit backlog grants.*—The recommendation includes \$49,000,000 for grants to address the sexual assault kit (SAK) backlog. The Committee understands that efforts to test the backlog of sexual assault kits in numerous jurisdictions have led to the identification of thousands of perpetrators and new and significant insights on the behavior of serial predators that will be useful in future investigation and prevention activities. The Committee believes it is extremely important that the Department maximize the results of investments in sexual assault kit testing through continued research to identify best practices for state, local, and tribal jurisdictions in handling the myriad issues that arise from perpetrator identification—such as victim notification, investigation, prosecution, documentation, forensic advancements, inter-jurisdiction sharing, and tracking. The Committee further believes it is critically important to fund efforts to support cross-jurisdiction and cross-site data sharing to identify and pursue repeat offenders operating in multiple jurisdictions. Finally, the Committee believes that further work to validate the extensive cost savings that result from the prevention of future offenses as a result of SAK testing is needed. The Committee directs the Department to support efforts that advance these objectives.

*Sex Offender Tracking.*—The Committee understands that sex offender management assistance grants can be used to purchase sex offender tracking software, provided that the purchase directly contributes to a jurisdiction's overall Sex Offender Registration and Notification Act (SORNA) implementation strategy or plan. The Committee encourages the Department to raise awareness of this eligible use and award up to \$5,000,000 of the amounts made available for Adam Walsh Act Implementation for grants for this purpose.

*DNA Initiative.*—The Committee continues its strong support for DNA backlog and crime lab improvements by recommending \$142,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within funds provided, \$108,000,000 is for Debbie Smith DNA Backlog Reduction grants, \$9,000,000 is for Kirk Bloodsworth Post-Conviction DNA Testing

grants, and \$6,000,000 is for Sexual Assault Forensic Exam Program grants. The Committee expects that OJP will make funding for DNA analysis and capacity enhancement a priority in order to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit to the Committee, as part of the Department's spending plan for State and Local Law Enforcement Activities, a plan with respect to funds appropriated for DNA-related and forensic programs, including the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program.

*Rapid DNA Initiative.*—The Committee recognizes the growing importance of Rapid DNA technology in federal, state, local and tribal law enforcement operations. The Committee supports broad deployment of Rapid DNA technology that meets FBI quality assurance standards to help local, state and federal law enforcement agencies meet their mission requirements, improve the efficacy and efficiency of investigations, and protect and bring justice to the innocent. The Committee acknowledges that deployment of Rapid DNA has been shown to be a critical law enforcement tool for combatting human trafficking, suppressing gang activity, supporting drug interdiction and counter-drug activities, and disrupting transnational criminal organization activities. It has also helped improve disaster response and victim identification. The Committee has repeatedly expressed concern with the nationwide backlog of sexual assault kits and believes that in some jurisdictions the unfortunate and long-standing backlog of sexual assault kits could be addressed with rapid DNA technology. The Committee further believes that Rapid DNA technology should be deployed early in sexual assault investigations to prevent backlogs from forming in the first place. The Committee therefore directs the Department to ensure that recipients of all existing grant programs that help Federal, state, local and tribal agencies build capacity for DNA analysis, address the sexual assault kit backlog, enhance investigative methods, and adopt innovative criminal justice strategies are made aware that Rapid DNA implementation and sustainment are permissible uses of grant funds. The Committee directs the Department to provide a report to the Committee no later than 60 days after enactment of this Act that describes how Rapid DNA technology is being deployed to prevent violence against women, support illicit opioid interdiction, improve criminal investigations, prevent human trafficking, combat transnational criminal activities, and prevent sexual assault kit backlog creation.

*Capital Litigation Improvement and Wrongful Conviction Review.*—The Committee recognizes the need for legal representation and investigation services for individuals with post-conviction claims of innocence. Given the urgent need to identify and remediate wrongful convictions, the Committee directs that at least 50 percent of the appropriated amount to the Capital Litigation Improvement and Wrongful Conviction Review grant programs shall be used to support Wrongful Conviction Review grantees providing high quality and efficient post-conviction representation for defendants in postconviction claims of innocence. Wrongful Conviction Review grantees shall be nonprofit organizations, institutions of higher education, and/or State or local public defender offices that have inhouse post-conviction representation programs that show demon-

strable experience and competence in litigating post-conviction claims of innocence. Grant funds shall support grantee provision of post-conviction legal representation of innocence claims; case review, evaluation, and management; experts; potentially exonerative forensic testing; and investigation services related to supporting these post-conviction innocence claims.

*Grants to Combat Contraband Cell Phones & Communication Devices.*—The Committee remains concerned about the rising use of contraband cellular phones and devices in State and local correctional facilities. The Committee encourages the awarding of grants, based on the recommendations of the fiscal year 2016 report submitted to Congress, to deploy Managed Access telecommunications technologies to thwart illegal inmate telecommunications covering all commercial networks through managed access while not interfering with the legitimate use of the spectrum. The technology to be deployed must manage prison cell phone use while simultaneously preserving the rights of law-abiding citizens to enjoy the benefits of the public airwaves without interference.

*Second Chance Act/offender reentry programs.*—The recommendation includes \$100,000,000 for Second Chance Act grants, an increase of \$10,000,000 above fiscal year 2020. The Committee is aware that case studies of innovative, evidence-based practices provide strong indication that recidivism patterns can be reversed. The Committee expects that Second Chance Act grants will foster the implementation of strategies that have been proven to reduce recidivism and ensure safe and successful reentry back to their communities of adults released from prisons and jails. The Committee expects DOJ to designate funds for proven, evidenced-based programs that will further the goal of maximizing public safety.

The Committee is aware that university programs are available for inmates to study business and entrepreneurship principles with the goal of providing them with the skills and training necessary to start and operate their own businesses upon release. The Committee encourages DOJ to support, through its Second Chance Act funding, programs that further the goal of reducing recidivism by supplementing state-funded vocational programs in prisons with university-based learning initiatives based on entrepreneurship principles and necessary skills training that can be directed into successful post-incarceration enterprises.

The Committee encourages the Department of Justice (DOJ) to explore programs that reduce offender recidivism and end repeated cycles of violence and abuse by teaching skills for reducing stress, processing past trauma, and providing practical knowledge of how to cope with negative emotions. The Committee further encourages the DOJ to explore rehabilitation methods such as mindfulness and meditation which encourage incarcerated individuals to live to one's highest potential and contribute to society.

*Human Trafficking Court Report.*—The Committee applauds the successes of drug courts and veteran treatment courts and how they take a holistic approach to treat and hold individuals accountable for their actions. The Committee urges the Department of Justice to evaluate a similar model for victims of human trafficking, especially for women and minors involved in prosecution. The Committee directs the Department to submit a report to the Committee, no later than 180 days after enactment of this Act, out-

lining the possibility of creating a human trafficking court in the model of drug and veterans treatment courts.

*Prison Rape Prevention and Prosecution.*—Facility audits are a key component in helping agencies move their sexual abuse prevention and response policies from written documents to everyday practices. Congress recently made changes to the audit process to ensure greater oversight of the audit process and improved audits. The Committee supports the Department providing the necessary resources to carry out this work.

*Veterans Treatment Courts.*—The Committee directs the Department to conduct a national outcome study on veterans treatment courts in order to continue advancing evidence-based practices at the Bureau of Justice Assistance.

*Human Trafficking Court Report.*—The Committee applauds the successes of drug courts and veterans treatment courts and how they take a holistic approach to treat and hold individuals accountable for their actions. The Committee urges the Department of Justice to evaluate a similar model for victims of human trafficking, especially for women and minors involved in prosecution. The Committee directs the Department to report to the Committee, not later than 180 days after enactment of this Act, outlining the possibility of creating a human trafficking court in the model of drug and veterans courts.

*Rural law enforcement.*—The Committee is concerned that many rural law enforcement agencies are understaffed and underfunded, and often have no access to local or regional mental health and drug treatment services. In addition, recruiting and retention of qualified officers is difficult, and access to training is often out of reach because small departments do not have the funds to travel or to replace officers in their schedule to accommodate leave for training. While some rural agencies participate in multi-jurisdictional task forces, conducting proactive investigations in small communities is difficult. Therefore, the Committee encourages the Department to develop programs aimed specifically at providing the funding, resources, training, and support that rural law enforcement agencies need to address the consequences of drug abuse, drug-related crime and mental health crises in their communities.

*Smart Prosecution.*—The Committee notes that throughout much of the United States, local prosecutors' offices carry attorney caseloads well above recommended levels, lack critical support staff, and rely on outdated information technology to manage their caseloads. The Committee is concerned these conditions can negatively impact victims, criminal defendants, and public safety. The Committee recommendation includes no less than \$2,000,000 from amounts provided for a competitive program dedicated to State and local prosecutor office modernization and caseload reduction.

*Community trust initiative.*—The recommendation includes \$77,500,000 for a program to improve police-community relations. Included in this initiative is \$20,000,000 for the Byrne Criminal Justice Innovation Program, \$30,000,000 for justice reinvestment, and \$27,500,000 for a body-worn camera partnership initiative.

*Justice Reinvestment Initiative.*—As the Committee believes that improving police-community relations will require more than just equipment procurement, the recommendation provides \$30,000,000 for the Justice Reinvestment Initiative, which provides assistance

to jurisdictions to implement data-driven strategies to improve public safety by reducing corrections spending and reinvesting those savings in efforts to decrease crime and strengthen neighborhoods. The Committee notes concerns regarding trial delays and bail conditions for incarcerated youth. Of the funds for Justice Reinvestment, \$8,000,000 is for innovative efforts among States and localities to reduce trial delays, ensure speedy bond consideration, guarantee that a juvenile’s ability to pay is considered in setting any bond amount, provide mental health services for youth who are incarcerated, and reduce the use of solitary confinement on youth.

The Committee believes that comprehensive, career-long, sequential leadership education and development for all local law enforcement officers, from newly sworn officers to those with command level experience, remains critical to reduce crime, control emergent situations, decrease liability and risk, and strengthen relationships between law enforcement agencies and the communities they serve. The Committee directs the Department to develop a multi-year strategy to build local problem-solving capacity with law enforcement via ethical leadership development, which may include an on-line learning system and pilot projects, that could be matched with funding from Byrne JAG or other programs.

JUVENILE JUSTICE PROGRAMS

The Committee recommends \$337,000,000 for Juvenile Justice programs, which is \$17,000,000 above fiscal year 2020 and \$109,500,000 above the request. Funds are distributed as follows:

JUVENILE JUSTICE PROGRAMS  
(In thousands of dollars)

Program	Amount
Part B—State Formula Grants .....	\$65,000
Emergency Planning—Juvenile Detention Facilities .....	(500)
Youth Mentoring Grants .....	100,000
Title V—Delinquency Prevention Incentive Grants .....	44,000
Prevention of Trafficking of Girls .....	(3,000)
Tribal Youth .....	(5,000)
Children of Incarcerated Parents Web Portal .....	(500)
Girls in the Justice System .....	(2,000)
Opioid Affected Youth Initiative .....	(10,000)
Children Exposed to Violence .....	(8,000)
Victims of Child Abuse Programs .....	28,500
Missing and Exploited Children Programs .....	94,500
Training for Judicial Personnel .....	5,000
<b>Total, Juvenile Justice .....</b>	<b>337,000</b>

*Youth mentoring grants.*—The recommendation includes \$100,000,000 for youth mentoring grants, which is \$3,000,000 above fiscal year 2020 and \$57,000,000 above the request.

The Committee recognizes the success of the Youth Mentoring program. Through trusted peer-to-peer mentoring relationships, in the community and in schools, Youth Mentoring grantees can provide needed attention and support to at-risk children. Mentoring relationships enhance a child’s overall well-being by improving their emotional, social, and educational development.

The Committee directs that OJP provide at least \$20,000,000 for mentoring programs that assist at-risk juveniles and their families who have been impacted by the opioid crisis and drug addiction.

*Preventing trafficking of girls.*—The recommendation includes \$3,000,000 for grants for nonprofits and other nongovernmental entities that have undergone rigorous evaluation and have a successful track record of administering research-based prevention and early intervention programs for girls who are vulnerable to trafficking and are most likely to end up in the juvenile justice system. Funds shall be used to scale up and replicate these programs. This expansion will bolster prevention and early intervention strategies and curricula throughout the country, and place vulnerable girls on a path toward success, stability, and long-term contribution to our society. The Committee encourages the Office for Victims of Crime and the Office of Juvenile Justice and Delinquency Prevention to examine ways to assist nonprofits and other nongovernmental entities with a proven track record of administering successful prevention and early intervention programs for girls vulnerable to trafficking. The Committee expects these funds to go toward early intervention programs, separate and distinct from law enforcement efforts.

*Missing and exploited children programs.*—The recommendation includes \$94,500,000 for missing and exploited children programs, which is \$7,000,000 above fiscal year 2020 and \$9,500,000 above the request.

The Committee expects the Department to allocate \$40,000,000 for task force grants, training and technical assistance, research and statistics, and administrative costs for the Internet Crimes Against Children (ICAC) program. The Department is directed to include in its ICAC Task Force grant solicitation a prioritization of proactive investigations of suspects possessing, distributing, or producing violent and sadistic child sexual abuse imagery. The Committee also encourages the Department to encourage ICAC grantees to dedicate increased efforts to proactive investigations, which have demonstrated potential to rescue children.

The Department is encouraged to support the development, refinement, and technological advancement of widely used tools, methods, and technologies that address child sexual exploitation and trafficking.

The Committee recognizes the diverse and unique challenges identified in the report to Congress directed by the Ashlynnne Mike AMBER Alert in Indian Country Act (Public Law 115 166) for the integration of State AMBER Alert communications plans and tribal systems. Within the funds provided, the Committee recommends no less than \$4,400,000 for the operation and activities of the existing AMBER Alert program. Of the funds provided for AMBER Alert activities, \$1,000,000 shall be directed to addressing State/tribal integration consistent with (1) the findings of the both the report directed in Public Law 115–166 and (2) a long-term budget and plan by the Department for implementation across all states with affected tribal communities. The Committee directs the Department to submit to the Committee a long-term budget and plan for implementation across all States with affected tribal communities, not later than 90 days after enactment of this Act.

*PROTECT Our Children Act.*—The Department is directed to comply with the PROTECT Our Children Act (Public Law 110–401) and submit to the Committee a National Strategy for Child Exploitation Prevention and Interdiction as well as designate a Senior Executive Service (SES) level official at the Department of Justice to be responsible for coordinating the development of this National Strategy.

*Four Core Requirements of Juvenile Justice and Delinquency Prevention.*—The Juvenile Justice and Delinquency Prevention Act (JJDP) is based on the consensus that youth involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization. The Act authorizes an annual formula grant allocation to those states that provide an acceptable plan to comply with four core requirements. The four requirements provide that: (1) States must keep status offenders out of secure detention or correctional facilities; (2) States cannot detain or confine juveniles in facilities in which they would have sight or sound contact with adult inmates; (3) Juveniles cannot be detained or confined in any jail or lockup for adults; and (4) States must show that they are working to address racial and ethnic disparities that exist in their juvenile justice systems. The Committee directs the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to report to Congress on the technical assistance provided to states with respect to meeting the four requirements through evidence-based programs.

*Bullying.*—The Committee encourages the Department to provide funding within existing programs for evidence-based approaches to preventing bullying in schools, communities, and in cyberspace.

*School discipline.*—The Committee encourages the Department to explore implementing programs that are focused on disadvantaged students of color in elementary and secondary school that include a curriculum that prevents unnecessary trauma and harm, and counterproductive in-school arrests and expulsion, while incorporating positive alternatives to suspension, and promoting educational development and attainment. The Committee looks forward to the report directed in House Report 116–101, detailing how the Department could partner with relevant stakeholders to implement such a program.

*Arts-based programs.*—The Committee strongly supports a comprehensive and innovative approach to programs that work to improve the lives of the youth in our communities. The Office of Juvenile Justice and Delinquency Prevention is encouraged to review opportunities to include and evaluate arts-based programming and art-therapies within existing activities and grants.

#### PUBLIC SAFETY OFFICER BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends a total of \$143,800,000 for the Public Safety Officer Benefits program, which is \$2,000,000 above fiscal year 2020 and the same as the request. Within the funds provided, \$119,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. Also within the total,



\$24,800,000 is recommended for disability benefits for public safety officers who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty, and for education benefits for the spouses and children of officers who are killed in the line of duty or who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$343,000,000 for Community Oriented Policing Services (COPS) Programs, which is equal to fiscal year 2020 and \$343,000,000 above the request. Funds are distributed as follows:

COMMUNITY ORIENTED POLICING SERVICES

(In thousands of dollars)

Program	Amount
COPS Hiring Grants .....	\$231,000
Improving Tribal Law Enforcement Resources .....	(27,000)
Community Policing Development/ Training and Technical Assistance .....	(6,500)
Regional Information Sharing Activities .....	(40,000)
Tribal Access Program .....	(3,000)
Civilian Review Boards .....	(4,000)
Law Enforcement Mental Health and Wellness Act .....	(5,000)
Police Act .....	11,000
Anti-Methamphetamine Task Forces .....	13,000
Anti-Heroin Task Forces .....	35,000
STOP School Violence Act .....	53,000
Total, Community Oriented Policing Services .....	\$343,000

*Community Oriented Policing Services.*—The Committee urges that COPS grants be awarded based on a comprehensive assessment of the needs of the jurisdiction and that jurisdictions are not disqualified solely based on the size of their law enforcement budget.

*Civilian Review Boards.*—Within the amount provided for COPS, the Committee provides \$4,000,000 for grants for the development of best practices for, and the creation of, civilian review boards to oversee local police departments. Civilian review boards funded under this program should be independent and adequately resourced, have investigatory authority and staff subpoena power, have representative community diversity, have policy making authority, provide advocates for civilian complainants, have mandatory police power to conduct hearings, and conduct statistical studies on prevailing complaint trends.

*Hiring of Residential Law Enforcement Officers.*—The committee urges the Department, as it implements the COPS Hiring program, to support the recruitment, hiring, retainment, development, and training of law enforcement officers who are residents of the communities they serve. Priority for grant awards shall be provided for the hiring of law enforcement officers who are residents of, or are willing to relocate to, communities that: (1) have poor or fragmented relationships between police and residents of the commu-

nity, or where there are high incidents of crime, and (2) are the communities that the law enforcement officers serve, or are close to the jurisdictions they serve. Data shall be collected on the numbers of law enforcement officers who are willing to relocate to the communities where they serve, and whether such law enforcement officer relocations have impacted crime in such communities. Within 180 days of enactment of this Act, the Department shall develop and publicly report strategies and timelines to recruit, hire, promote, retain, develop, and train a diverse and inclusive law enforcement workforce, consistent with merit system principles and applicable law.

*STOP School Violence Act school hardening.*—The recommendation includes \$53,000,000, which is an increase of \$3,000,000 above the fiscal year 2020 level for evidence-based school hardening measures including metal detectors, locks, lighting, ballistic glass, and other deterrent measures in coordination with law enforcement, as well as training for local law enforcement officers to prevent student violence, technology for expedited notification of local law enforcement during an emergency, and other measures determined to provide significant improvement in physical security of schools.

*School resource officers (SROs).*—The Committee supports initiatives through the COPS Hiring Program to assist State and local governments to recruit and train additional SROs to build working relationships with schools as a means to provide a safer and calmer learning environment.

The Committee acknowledges that school SROs are intended to serve in roles ranging from counselors, to tutors and mentors, in order to create opportunities for students to interact with law enforcement in a positive way. The Committee looks forward to receiving the report directed in House Report 116–101 which directs the Department of Justice to examine the current role of SROs on campuses and provide recommendations on how SROs can better serve the needs of the students. Furthermore, the Committee is concerned about also protecting the civil liberties of students in school. Accordingly, the Committee requests that the Department conduct an assessment for fiscal year 2021 to determine what if any effort grantees make to ensure students are aware of their civil rights.

SROs across the country engage with students on a daily basis and provide a wide range of important services to our nation's youth, including identifying depression and suicidal behavior among school children. SROs are in a unique position to identify and assist children at-risk of depression and suicide. The Committee supports awarding SRO grants to communities that are dealing with high levels of youth suicide, especially in smaller towns with limited resources.

*Regional Information Sharing Activities.*—Regional information sharing activities play a key role in assisting our local, State and Federal law enforcement agencies fight crime and terrorism. Over the last decade, regional information sharing has yielded \$23,000,000,000 in narcotics, property, and case seizures. This recommendation provides \$40,000,000 for grants to State and local law enforcement for these activities.

*Rural law enforcement staffing.*—The Committee recognizes certain State and local law enforcement agencies in rural and low-populated counties are critically underfunded and understaffed. Some distressed regions have as few as two law enforcement officers on payroll to patrol its jurisdictions at a given time. These instances of chronic law enforcement understaffing pose a significant threat to communities. The Committee encourages the Department to fund grants for critically understaffed law enforcement agencies.

*Law enforcement training.*—The Committee recognizes the importance and success of the COPS Hiring program. Recent incidents of law enforcement killing unarmed civilians have highlighted the importance and need for strong, collaborative relationships between local police and the communities they serve. The Committee supports diversity hiring in local law enforcement to ensure that law enforcement reflects the communities they serve or are residents of the communities they serve. The Committee encourages the Department to provide the highest priority to COPS program applicants and law enforcement agencies that require their employees to complete evidence-based cultural sensitivity trainings, including training on ethnic and racial bias, racial profiling, gender bias, sexual orientation and gender identity bias, cultural diversity, use of force, procedural justice, and law enforcement interaction with people with disabilities, the mentally ill, and English Language Learners.

*Active shooter response.*—The recommendation includes \$11,000,000 for the POLICE Act of 2016 (Public Law 114–199). The Committee notes the importance of training partnerships that offer nationwide, dynamic force-on-force scenario-based training. The Committee understands the training has been adopted by numerous States and agencies as their standard active shooter training and that the FBI has adopted this program as its national training standard for active shooter response. In addition, the Committee encourages the Department to ensure that such grants authorized under the POLICE Act may be made available for primary schools, secondary schools, and college campuses, and that such training is an integrated training with campus police officers and local law enforcement. The Department shall report to the Committee, within 180 days of enactment, on the number of schools that have received active shooter training and the number of schools' campus police officer units that have received active shooter training in connection with this program over the last three fiscal years.

*Human trafficking intelligence.*—The Committee encourages programs funded under the regional information sharing activities to hire criminal intelligence analysts to compile information, reports, and other intelligence on human trafficking into, out of, and within the borders of the United States.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

##### (INCLUDING TRANSFER OF FUNDS)

The Committee has included the following general provisions for the Department of Justice:

Section 201 prohibits the use of funds to pay for an abortion, except in the case of rape, incest, or to preserve the life of the mother.

Section 202 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 203 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 204 prohibits the use of certain funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.

Section 205 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

Section 206 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 207 requires the Department to follow reprogramming procedures for any deviation from the program amounts specified in this title or the accompanying report, or the reuse of deobligated funds provided in previous years.

Section 208 prohibits the use of funds for OMB Circular A-76 competitions for work performed by employees of the Bureau of Prisons or of the Federal Prison Industries, Inc.

Section 209 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 210 permits up to 2 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for training and technical assistance, and up to 2 percent of grant funds made available to that office to be used for criminal justice research, evaluation and statistics by the National Institute of Justice and the Bureau of Justice Statistics.

Section 211 provides cost-share waivers for certain DOJ grant programs.

Section 212 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 213 prohibits funds, other than funds for the National Instant Criminal Background Check System established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 214 places limitations on the obligation of funds from certain Department of Justice accounts and funding sources.

Section 215 permits DOJ to participate in Performance Partnership Pilot collaboration programs.

Section 216 increases the threshold for balances in the United States Trustee System Fund.

Section 217 prohibits EOIR's use of case completion quotas in immigration judge performance evaluations.

Section 218 amends Public Law 101-246 to provide for danger pay for United States Marshals Service for certain deployments outside the United States.

Section 219 prohibits the awarding of funds under the Byrne JAG or COPS programs unless the United States Attorney General certifies that the recipient State or unit of local government satisfies several conditions.

Section 220 establishes a National Task Force on Law Enforcement Oversight.

Section 221 prohibits Department of Justice funding from being made available to any law enforcement agency of any State, unit of local government, or Federally recognized Tribal government unless the Attorney General has certified that such agency has begun or completed the process of receiving accreditation from a law enforcement accreditation organization approved by the Attorney General.

Section 222 prohibits the awarding of funds under the Byrne JAG or COPS programs unless the United States Attorney General certifies that the recipient State or unit of local government has in effect a law prohibiting sexual activity while acting under color of law.

### TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The Committee recommends \$5,544,000 for the Office of Science and Technology Policy (OSTP), which is equal to the fiscal year 2020 appropriation.

*Extreme weather.*—The Committee looks forward to receiving the report directed in House Report 116–101 that directs OSTP to create and convene a Congressionally-mandated Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management (“Interagency Council”). The Committee further directs OSTP, in coordination with the Interagency Council, to develop a plan, on an agency-by-agency basis, for government-wide implementation of resilience, preparedness, and risk management priorities. This plan was directed to be produced no later than 180 days after the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020 (Public Law 116–93). To date, the Committee has not received this plan, nor the intermediate report that was directed within 90 days.

*Federally Funded Scientific Research.*—The Committee recognizes the considerable progress made by OSTP in bringing to completion the department and agency public access plans called for by the OSTP Memorandum “Increasing Access to the Results of Federally Funded Scientific Research,” issued February 22, 2013. The Committee understands that 22 departments and agencies with annual expenditures on research and development of \$100,000,000 or more now have completed their public access plans for increasing access to peer-reviewed scholarly publications and digital data resulting from Federally funded research. The Committee encourages OSTP to continue its efforts to coordinate the implementation of public access policies across Federal departments and agencies and to identify additional opportunities to enhance access to the results of Federally funded research. The Committee received OSTP’s quarterly progress reports regarding department and agency public

access planning efforts, the most recent report being issued on January 9, 2017. Further, OSTP shall report to the Committee on an annual basis on the progress of departments and agencies in implementing their public access plans, including relevant measures of progress, and regarding additional steps being taken to improve access to the results of Federally funded research. In addition, at least 90 days prior to making any changes to the Federal Government's public access policies as outlined in the 2013 OSTP memorandum on "Increasing Access to the Results of Federally Funded Scientific Research," the Committee directs OSTP to submit to the Committee a report on the costs and budgetary impact of such changes. The report shall include a complete analysis of any newly-created costs, including any potential new costs for grant recipients.

#### NATIONAL SPACE COUNCIL

The Committee recommends \$1,965,000 for the National Space Council, which is equal to the fiscal year 2020 appropriation and the same as the request.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Committee recommends \$22,629,000,000 for the National Aeronautics and Space Administration (NASA), which is equal to the fiscal year 2020 appropriation and \$2,616,985,000 below the request.

NASA's fiscal year 2021 request, much like the 2020 amended budget request, reflected the Administration's ominous shift away from legacy programs and programs with clear environmental and educational benefits. The Administration's shift in priorities is most evident in its budget request of nearly \$3,400,000,000 (nearly \$2,800,000,000 above the fiscal year 2020 level) for the Human Landing System and Advanced Cislunar and Surface Capabilities initiatives. These programs are being rushed to meet a politically motivated timeline to again place humans on the Moon's lunar surface in a little over four years. In order to fund this massive expansion, the Administration chose to either reduce or eliminate many critical legacy programs, including Earth science programs that help monitor the environment, measure global climate change, and track rising sea levels. These programs include: The Plankton, Aerosol, Cloud, ocean Ecosystem (PACE) Earth-observing satellite; the Climate Absolute Radiance and Refractivity Observatory (CLARREO) sensor on the International Space Station, designed to lay the foundation for future long-term observations of Earth's climate; and NASA's Carbon Monitoring System that achieves levels of precision and accuracy to monitor, report, and verify the levels of carbon stocks and fluxes in Earth's atmosphere. Additional programs that were proposed for elimination in the Administration's budget request are: The Wide Field Infrared Survey Telescope (WFIRST), now named the Nancy Grace Roman Space Telescope, a NASA observatory designed to work in conjunction with the James Webb Space Telescope, with a view 100 times greater than that of the Hubble Space Telescope; and the entire Science, Technology, Engineering, and Mathematics (STEM) Engagement account. The Committee rejects these proposals and has included

nearly \$1,500,000,000 above the request to support these critical programs, including additional funding for competitive research grants within Earth Science and a \$6,000,000 increase over the fiscal year 2020 appropriation for the STEM Engagement account.

The Committee’s program and project recommendations for NASA are included in the consolidated funding table below and in narrative direction throughout this report. The Committee reminds NASA that any deviations from the amounts included in the table below are subject to section 505 requirements of this Act. When executing its budget for fiscal year 2021, NASA shall incorporate the funding levels established in both the table and the narrative direction. NASA is reminded that comity has existed between the Congress and the Executive Branch with respect to abiding by language included in this report and in the accompanying bill. The Committee expects NASA to respect this long-standing practice.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
(In thousands of dollars)

Program	Amount
Science:	
Earth Science .....	\$2,021,800
Planetary Science .....	2,713,400
Astrophysics .....	1,306,200
James Webb Space Telescope .....	423,000
Heliophysics .....	633,100
Total, Science .....	7,097,500
Aeronautics .....	819,000
Space Technology .....	1,100,000
Exploration:	
Orion Multi-purpose Crew Vehicle .....	1,400,500
Space Launch System (SLS) Vehicle Deployment .....	2,600,000
Exploration Ground Systems .....	459,700
Exploration Research and Development .....	1,557,400
Total, Exploration .....	6,017,600
Space Operations .....	4,052,200
Science, Technology, Engineering, and Mathematics (STEM) .....	126,000
Safety, Security and Mission Services .....	2,953,400
Construction and Environmental Compliance and Restoration .....	419,100
Office of Inspector General .....	44,200
Total, NASA .....	\$22,629,000

SCIENCE

The Committee provides \$7,097,500,000 for Science, which is \$41,400,000 below the fiscal year 2020 appropriation and \$791,000,000 above the request.

*Earth Science.*—The recommendation includes \$2,021,800,000 for Earth Science programs. Despite the overwhelming benefits to the

economy, coastal regions, and to humankind generally, the Administration once again proposed for elimination virtually all major missions that incorporate selected ocean color and atmospheric aerosol measurement capabilities needed to ensure continuity and additional capability in the measurement record, and that demonstrate measurement technologies for a larger future mission to improve detection of climate trends. These missions, aimed at understanding the Earth system and its response to natural and human-induced forces and changes, will help determine how to predict future changes and mitigate or adapt to them. The President's fiscal year 2021 budget request, like the Administration's requests of prior years, chooses to eliminate missions totaling nearly \$180,000,000 that address human-induced forces regarding climate change. The Committee rejects the Administration's proposal, has included adequate funding to continue such programs, and expects NASA to comply with Committee direction.

*Earth Science Research and Analysis and Carbon Monitoring.*—The Committee recommends no less than \$346,400,000 for Earth Science Research, which is \$36,500,000 greater than the requested level. Within this amount, \$10,000,000 is directed for the Carbon Monitoring System, which was eliminated in the Administration's fiscal year 2021 budget request.

*Plankton, Aerosol, Cloud, ocean Ecosystem (PACE).*—The Committee provides \$145,100,000, which is \$14,100,000 greater than the fiscal year 2020 appropriation and \$145,100,000 greater than the Administration's request, which would have eliminated the Plankton, Aerosol, Cloud, ocean Ecosystem (PACE) mission. The Committee does not concur with the Administration's proposal to terminate this mission, which it also proposed terminating in the fiscal year 2020 request, and instead the Committee maintains funding at this level due to this mission's unique scientific value, including for aiding critical parts of the U.S. coastal economy like commercial fishing. The data to be generated by PACE builds upon a multi-decade effort by NASA and other Federal agencies to generate information from space that helps, for example, to characterize and assess the health of the fisheries environment and to more accurately assess the status of fish stocks, as well as to help identify the extent and duration of harmful algal blooms. Such unique observational information cannot be replicated elsewhere, and industry itself does not have the financial means to acquire wide scale data such as that generated by PACE and its precursor missions. Therefore, the Committee sees any effort to terminate this mission as shortsighted and based upon incomplete analysis of the benefits of PACE's data to U.S. coastal economies, the provision of which is an inherently governmental responsibility. In providing this appropriation, the Committee directs NASA to provide a report, concurrent with the fiscal year 2021 operating plan, on NASA's efforts to maintain a 2022 launch date for this mission and directs NASA to include adequate funding for PACE in the fiscal year 2022 budget request.

*Climate Absolute Radiance and Refractivity Observatory Pathfinder (CLARREO) Pathfinder.*—The Committee provides \$24,500,000 for this mission, \$1,500,000 less than the fiscal year 2020 appropriation and \$24,500,000 greater than the Administration's request, which would have eliminated the mission. The Com-



mittee does not concur with the Administration's proposal to terminate the mission in its fiscal year 2021 budget request, just as it did in the fiscal year 2020 request, because the CLARREO Pathfinder mission demonstrates measurement technologies required for a future mission recommended in the 2007 Earth science decadal survey focused on improving detection of climate trends. Therefore, the Committee additionally directs NASA to include adequate funding for CLARREO in the fiscal year 2022 budget request.

*In situ Ocean Data.*—In support of the need to understand Earth's systems through calibrated and validated global satellite observations, the Committee encourages NASA to continue collaborating with other Federal science agencies and to evaluate, expand, and formalize the use of in situ ocean data from Unmanned Surface Vehicles, including from commercial sources, as appropriate, to better inform the Agency's weather prediction capabilities. Further, within 90 days of enactment of this Act, NASA shall report to the Committee on the use of unmanned surface vehicles.

*Earth System Science Pathfinder Venture Class and GeoCARB Missions.*—Within the amounts provided for Earth Science, the Committee recommends up to \$376,600,000 for NASA's Earth System Science Pathfinder missions. Within this amount, funding is included for Venture Class and Geostationary Carbon Cycle Observatory (GeoCARB) missions. NASA's Venture Class Missions provide frequent flight opportunities for high-quality, low-cost Earth science investigations that can be developed and flown in five years or less. NASA selects the investigations through open competitions to ensure broad community involvement and encourage innovative approaches. Successful investigations enhance our capability to understand the current state of the Earth system and enable continual improvement in the prediction of future changes. The GeoCARB mission is due to launch in Summer 2022 and will demonstrate the feasibility of using a commercial communications satellite to host a scientific instrument which will measure vegetation off-gassing and help detect fugitive methane emissions, while also serving as a cost-saving model for future Earth Science research needs.

*University Small Satellite Missions.*—The Committee supports NASA's collaborative efforts with U.S. colleges and universities to conduct research through small spacecraft missions, including CubeSat and SmallSat missions. The Committee believes these competitively selected projects led by principal investigators at institutions of higher education help train the next generation of scientists and provide much-needed research. The Committee directs NASA to provide not less than \$30,000,000 for these missions.

*Small Satellite Launch Services.*—To enhance the breadth of research achieved using small satellite platforms and bolster NASA's overall scientific objectives, the Committee directs NASA to work with commercial industry to examine ways for small satellite missions to procure launch services that are more tailored to their mission dependent orbits, locations, and schedules, while minimizing launch costs. NASA shall report on such findings within 180 days of enactment of this Act.

*Planetary Science Research and Analysis—Technosignature Research.*—The Committee understands that NASA's Research Op-

portunities in Space and Earth Science Exoplanets Research Program (XRP) element, jointly managed by four Science Divisions (Earth Science, Planetary Science, Astrophysics, and Heliophysics), allows technosignature proposals, including observational, theoretical, and archival proposals focused upon the detection of technosignatures. Such proposals are within scope of the XRP, except for archival proposals that exploit data within a NASA public domain archive. The Committee encourages NASA to continue this research.

*Lunar Discovery and Exploration.*—The Committee provides \$410,000,000 for the Lunar Discovery and Exploration program, including \$22,000,000 for the Lunar Reconnaissance Orbiter and \$70,000,000 for the new Lunar Future initiative to address the strategic knowledge gaps important for human exploration of the Moon.

*Commercial Lunar Payload Services (CLPS).*—The Committee provides \$212,500,000 for Commercial Lunar Payload Services (CLPS), which is \$132,500,000 greater than the fiscal year 2020 appropriation. The Committee strongly encourages NASA to provide funding under this program for lunar landers and rovers majority-designed, developed, and built in the United States, and, in addition, to the extent practicable, designed, developed, or built by one or more U.S. small businesses.

*Planetary Defense.*—Within Planetary Science, Planetary Defense programs, the Committee provides \$150,000,000, equal to the requested level, to fund NASA's Planetary Defense program, and within this amount, recommends not less than \$66,400,000 for the Double Asteroid Redirection Test (DART) mission.

NASA shall continue to support a network of search and characterization observatories and the data processing and analysis required to understand the near-Earth population of small bodies. NASA shall continue instrument formulation for a potential space-based infrared capability, the NEO Surveillance Mission, that would support NEO survey objectives as identified in the 2019 National Academies study and the goal of finding at least 90 percent of the 140 meter and larger near-Earth asteroids.

*Ground-based Observatories.*—The Committee provides continued sustained funding for existing ground-based observatories, including the Arecibo Observatory. Accordingly, NASA shall maintain no less than the required full funding levels for its use of the National Science Foundation's ground-based telescopes to fulfill its planetary protection mission.

*New Frontiers missions.*—The Committee provides \$179,000,000 for New Frontiers missions. The New Frontiers program explores our solar system with medium-class spacecraft missions. Within the New Frontiers program, possible mission destinations and the science goals for each competitive opportunity are limited to specific science targets announced for the competition aligned with the scientific goals and priorities as described in the Planetary Science Decadal Survey.

*Mars Exploration Program.*—The Committee provides \$570,000,000, which is equal to the fiscal year 2020 appropriation and \$41,500,000 greater than the requested level, for the Mars Exploration Program to ensure ongoing operations of Mars mission architecture ahead of the anticipated landing of the Mars 2020 mis-

sion as well as further development of a Mars Sample Return mission to be launched in 2026. Within funds provided, \$250,000,000 is included for Mars Sample Return. Given that sample return was the highest priority of the previous planetary science decadal survey, NASA shall provide the Committee with a year-by-year future funding profile for a planned focused Mars sample return mission to be ready for a 2026 launch. In addition, the Committee endorses the mid-term decadal survey recommendation for NASA to develop a comprehensive Mars program architecture, strategic plan, and management structure that maximizes synergy among existing and future domestic and international missions and science optimization at the architectural level.

*Mars 2020.*—The Committee provides the requested level for Mars 2020. NASA is directed to ensure timely operations of Mars mission architecture ahead of the anticipated landing of the Mars 2020 mission as well as further development of a Mars Sample Return mission to be launched in 2026.

*Mars Odyssey 2001.*—Within the funds available, up to \$11,000,000 is to continue ongoing operations of the Mars Odyssey 2001 mission. Mars Odyssey was launched in 2001 and is in its eighth extended mission phase. Mars Odyssey has served as a significant relay asset for communications with NASA Mars surface explorers over the past two decades.

*Commercial Deep Space Communications Relay.*—NASA is directed to study the feasibility of establishing a commercial deep space communications relay program to help ensure sustained operations in deep space. Within 180 days of enactment of this Act, the Committee directs NASA to submit a report outlining the findings of such a feasibility study.

*Jupiter Europa Missions.*—The Committee provides \$403,500,000, which is \$189,100,000 less than fiscal year 2020 appropriation and equal to the requested level, for the Europa Clipper Mission. The Clipper mission will explore Europa, the smallest of the four Galilean moons orbiting Jupiter, and investigate its habitability. The Committee understands that in order to stay on schedule, the mission desires to select a launch vehicle in 2020, and NASA is evaluating options to expedite time to orbit. The Committee believes that the Clipper mission should use a vehicle to support a launch to reduce overall mission costs and complexity and expedite science results in concert with the decadal survey. Since fiscal year 2016, funding for the Europa program has been conditioned on the use of an SLS rocket as the launch vehicle. This is because, among other advantages when compared to alternative expendable launch vehicles, an SLS will require less costly radiation mitigation measures, extend the life of the Clipper, reduce risk via a larger payload capacity, and return valuable data to scientists faster due to the greatly reduced travel time. Yet, the Committee still has not received a suitable explanation from NASA regarding whether there will be sufficient SLS launch vehicles to support this mission and human space exploration missions. The Committee strongly encourages NASA to proceed with plans to use the SLS and intends to investigate whether an SLS will be available for the mission.

The Committee directs that at any time following the enactment of this Act, that if NASA determines that it must initiate plans to

procure any launch vehicle other than an SLS for a Europa mission, an immediate report shall be provided to the Committee outlining the justification for such decision.

*Jupiter Europa Lander.*—The Committee provides no additional funding for the Jupiter Europa Lander. Development of an Ocean World Technology mission is a priority and the Committee encourages research and development to continue. The Committee understands that funding previously provided is sufficient to continue research and development through fiscal year 2021. However, the Committee directs NASA to include adequate funding in fiscal year 2022 for continued research and development in anticipation of the next planetary science decadal survey.

*Icy Satellites Surface Technology.*—The Committee provides no less than \$35,000,000 for Icy Satellites Surface Technology to meet the science goals for the Jupiter Europa mission as recommended in previous Planetary Science Decadal surveys and to enable a lander and Ocean Worlds Technology mission by the next decade, based on input from the next Planetary Science Decadal survey. Investments in landing, mobility, sampling, communications, autonomous operations, and power technology for low-temperature environments should be prioritized.

*Earth Science Decadal.*—The Committee supports the recommendations of the National Academy of Sciences' Earth Science and Applications from Space Decadal Survey report and directs NASA to implement its findings to the extent practicable. As articulated by the report, NASA should plan to select future missions that address high-priority target observables in the designated and explorer categories. Within the funds provided, up to \$75,000,000 is for NASA to begin development, planning, and technology for up to two designated observable missions to meet the application goals as recommended in the previous Earth Science Decadal survey.

*Stratospheric Observatory for Infrared Astronomy (SOFIA).*—Within Astrophysics, the Committee provides \$85,200,000, which is \$73,200,000 greater than the requested level, for the Stratospheric Observatory for Infrared Astronomy (SOFIA) ongoing scientific mission, for which the Administration had proposed minimal funding aimed at phasing out the program. Working collectively with other space telescopes, including Hubble and Spitzer, these observatories create a comprehensive web of information and data that spans both the electromagnetic spectrum and time itself.

*Earth's Radiation Budget.*—The Committee supports research into the Earth's radiation budget and encourages NASA to collaborate with NOAA to establish a baseline of understanding of the chemistry of the stratosphere through monitoring and observations.

*Nancy Grace Roman Space Telescope (formerly named the Wide Field Infrared Survey Telescope (WFIRST)).*—The Committee provides \$505,200,000, which is \$505,200,000 greater than the Administration's requested level, which would have eliminated the Roman Telescope. This mission was included as the highest priority in the 2010 Astrophysics Decadal Survey. Within this total, the recommended amount shall include continued development of the coronagraph as a technology demonstration mission. The Roman Telescope continuation is essential to unravel the secrets of dark energy and dark matter, search for and image exoplanets, and explore many topics in infrared astrophysics.

*James Webb Space Telescope (JWST).*—The Committee provides \$423,000,000, which is equal to the Administration’s requested level. Additionally, as noted in section 534 of this Act, in determining the formulation and development costs under Section 536 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020 (Public Law 116–93), such costs shall not be considered to include any costs directly related to preventing, preparing for, and responding to the impacts of a global pandemic health crisis.

*Life and Physical Sciences.*—The Committee encourages NASA to conduct studies that evaluate the effects of zero gravity and deep space radiation on development through non-human mammalian embryologic experiments using the International Space Station and for NASA to bolster its Development Biology program.

#### AERONAUTICS

The Committee provides \$819,000,000 for Aeronautics, which is \$35,100,000 greater than the fiscal year 2020 appropriation and equal to the requested level.

*Hypersonics Technology Project.*—Within amounts provided, not less than \$60,000,000 is for NASA’s ongoing Hypersonics Technology Project. Hypersonic flight involves speeds of Mach 5 and above and holds the potential for new military and civilian capabilities. Traditionally, NASA has pioneered advances in the flight regime and works closely with the Department of Defense (DoD) to mature necessary capabilities, while focusing on the fundamental research that will lead to new, long-term capabilities to lay the foundation for potential future civil and commercial use. Program managers should continue to coordinate closely with partners in the DoD to enable NASA to leverage investments in ground and flight activities and to develop and validate advanced physics-based computational models as building blocks toward a long-term vision for high-speed hypersonic air transport. The Committee strongly encourages NASA to continue to explore additional opportunities to increase hypersonics research by supplementing planned activities with public-private partnerships with the goal of developing advanced hypersonic capabilities and integrated systems through cost-sharing agreements with commercial partners, while sustaining hypersonic competency for national needs and simultaneously advancing fundamental hypersonic research.

*Subsonic Aircraft Technologies.*—To support a new generation of ultra-efficient, sustainable transonic transport aircraft, the Committee provides funding within Aeronautics, as requested, for subsonic advanced technology development and testing, as well as funding for research, development and demonstration of high-rate production composite materials.

The Committee remains supportive of X-Plane demonstrators currently in production and believes increased investments in innovative aircraft structures and advanced flight demonstrators will enable this new generation of aircraft.

*Aerosciences Evaluation and Test Capabilities.*—The committee fully funds the Aerosciences Evaluation and Test Capabilities wind tunnel management program at the requested level.

*Advanced Carbon/Carbon Material Characterization.*—The Committee recognizes that significant testing is required to mature ad-

vanced materials for future applications. Due to extreme temperatures, hypersonic glide vehicles require specialized three-dimensional woven carbon/carbon composite material. The Committee encourages NASA to collaborate with industry and academia to develop and test the next generation of lower cost advanced materials for hypersonic applications by combining the expertise of legacy three-dimensional carbon/carbon suppliers with advances in automation and material technologies developed for commercial aerospace.

*Electric Air Flight.*—The Committee encourages strengthening collaborations between NASA, the Department of Energy, and national laboratories to overcome energy storage challenges for mobility such as electric air flight. The Committee is encouraged by NASA's efforts within its Electrified Powertrain Flight Demonstration project, which focuses on flight demonstrations that advance the state-of-the-art in megawatt-class more-electric aircraft to enable enduring leadership of the U.S. aviation industry for the benefit of the country and the U.S. flying public. In fiscal year 2021, NASA plans to conduct testing of a flight-weight, flight-like electric inverter at megawatt-class power level under simulated altitude conditions of 30,000 feet.

*Priority Technology Investments.*—The Committee encourages NASA to accelerate research and development for next generation commercial engine technologies for Electrified Aircraft Propulsion, Small Core Gas Turbine, Transonic Truss-Braced Wing, and High-Rate Composite given these four key technology programs form the foundation of the 2030 Next Generation Propulsion system, which will offer both fuel consumption and carbon emission savings for Single Aisle aircraft.

#### SPACE TECHNOLOGY

The Committee recommends \$1,100,000,000 for Space Technology, which is equal to the fiscal year 2020 appropriation and \$478,300,000 below the requested level.

*Space Technology Mission Directorate.*—The Committee reaffirms its support for the independence of the Space Technology Mission Directorate and recognizes that its current status enables it to support the development of a wide array of various technologies. This diverse portfolio contains technology development activities that have broad applications beyond human exploration and that help to meet the agency's science objectives, establish new commercial and academic partnerships, and stimulate the growth of the nation's technology sector. This approach also ensures that NASA technologists and their external partners maintain the ability to address long-term strategic goals rather than only focusing on short-term, mission-specific objectives. In addition, the Directorate's direct engagement with the academic community is supporting the development of the next generation of space technologists. The Committee directs NASA to preserve the Directorate's focus across NASA and in support of each of the mission directorates.

*Regional economic development.*—The Committee provides \$8,000,000, which is equal to the fiscal year 2020 appropriation and \$8,000,000 above the Administration's requested level, which would have eliminated the program. NASA's regional economic de-

velopment program focuses on partnerships with State and regional economic development organizations as they expand space-related commercial opportunities designed to address NASA mission needs. Within 120 days of the enactment of this Act, NASA shall provide a report to the Committee that details the metrics for this program's success, economic development benefits realized from prior year funding, and anticipated economic development benefits resulting from fiscal year 2021 funding.

*Technology Demonstration Mission—Satellite Servicing/Restore-L.*—The Committee provides \$227,000,000, which is \$47,000,000 greater than the fiscal year 2020 appropriation and \$93,500,000 greater than the requested level, for the Restore-L program to conduct an orbital refueling mission in 2022. These funds shall be used exclusively for activities related to and associated with the Restore-L spacecraft and any demonstrations that it will conduct or support. The Committee recognizes and encourages the development of satellite servicing to benefit not only NASA, but the Department of Defense, the Intelligence Community, and the private sector. Moreover, the Committee directs NASA to encourage other government entities to take full advantage of Restore-L's capabilities.

*Solar Electric Propulsion.*—The Committee provides \$60,000,000, which is \$1,600,000 greater than the fiscal year 2020 appropriation and \$11,300,000 greater than the requested level, for solar electric propulsion activities. According to NASA, high-powered solar electric propulsion can efficiently propel more ambitious robotic science and human exploration missions beyond the Earth and into deep space. Furthermore, solar electric propulsion will enable more efficient orbit transfer of spacecraft and accommodate the increasing power demands for government and commercial satellites.

*Flight Opportunities Program.*—The Committee provides \$30,000,000, which is \$5,000,000 greater than the fiscal year 2020 appropriation and \$10,000,000 greater than the request for the Flight Opportunities Program, to enable NASA to continue to partner with commercial industry to advance technologies for sub-orbital and orbital launch vehicles for small payloads, with the aim to increase affordability of those technologies and to allow for more frequent access to relevant launch environments, including low-Earth orbit. This funding fills a research gap by offering several minutes of microgravity research at a relatively low price. Of this amount, not less than \$5,000,000 is dedicated for competitively selected opportunities in support of payload development and flight of K-12 and collegiate educational payloads. The Committee encourages NASA to leverage the Flight Opportunities Program for flights of payloads spanning the Agency's mission directorates, including Science, Human Exploration, and STEM Engagement, and for cross-cutting mission objectives, including both science and education.

*Other Technology Demonstration, Archinaut.*—The Committee provides \$20,500,000 for On Orbit Servicing and Manufacturing Demonstration-2. In partnership with commercial industry, NASA develops and demonstrates technologies required to manufacture, assemble, and aggregate large and/or complex systems in space utilizing robotic and additive manufacturing technology.

*Nuclear thermal propulsion technology.*—The Committee provides \$110,000,000, which is equal to the fiscal year 2020 enacted amount, and \$110,000,000 greater than the Administration's requested level, which would have eliminated the program, for continued development and demonstration of a nuclear thermal propulsion system. The Committee looks forward to receiving a plan for the design of a flight demonstration, as directed in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020 (Public Law 116–93). To date, the Committee has not received this plan that was directed within 180 days of enactment.

#### EXPLORATION

The Committee provides \$6,017,600,000 for Exploration, which is equal to the fiscal year 2020 appropriation and \$2,744,100,000 below the requested level.

*Orion.*—The Committee provides \$1,400,500,000, which is \$6,200,000 less than the fiscal year 2020 appropriation and equal to the requested level for Orion. NASA shall keep the Committee informed of the status of activities related to Orion, the European Service Module, and ongoing activities related to integration of Orion with Space Launch System and associated ground infrastructure.

*Space Launch System (SLS).*—The Committee provides \$2,600,000,000, an increase of \$14,100,000 above fiscal year 2020 and \$342,900,000 above the Administration's request. Within the amount provided, not less than \$400,000,000 is provided for SLS Block 1B Development, \$400,000,000 above the Administration's request. Additionally, the Committee encourages NASA to study the procedures required to designate an integrator for private sector customers who wish to acquire an SLS vehicle. Additionally, the Committee directs NASA to engage an independent reviewer with aerospace production management experience to conduct a review of SLS completion costs and provide such reviewer with direct access to SLS program managers and production and pricing data, to determine how the cost of future flights of the SLS can be reduced. Further, the Committee directs NASA to undertake all work necessary in fiscal year 2021 toward completion of the SLS Block 1B as though the Block 1B were in the critical path for Exploration Mission-3. Additionally, NASA shall make necessary facility modifications to accommodate SLS Block 1B missions.

*Exploration Ground Systems (EGS).*—The Committee provides \$459,700,000, which is \$130,300,000 less than the fiscal year 2020 appropriation and \$75,000,000 greater than the requested level, for Exploration Ground Systems (EGS). Within this amount, the Committee provides \$75,000,000 for the Second Mobile Launcher (ML-2). ML-2 is the ground structure that will be used to assemble, process, and launch the SLS Block 1B rocket and Orion spacecraft from launch complex LC-39B.

*Advanced Cislunar and Surface Capabilities.*—The recommendation includes funding for Advanced Cislunar and Surface Capabilities. As part of the formulation of the fiscal year 2022 budget request, the Committee directs NASA to assess use of current partnerships as well as new public-private partnerships, for services from large lunar cargo delivery systems. As part of this assessment, the Committee directs NASA to evaluate the possibility of



demonstration missions from large lunar cargo delivery systems prior to any operational mission.

*Lunar Lander Development.*—Funding is provided for the lunar lander office to lead the support of NASA’s lunar lander development oversight.

#### SPACE OPERATIONS

The Committee provides \$4,052,200,000 for Space Operations, which is \$88,000,000 below the fiscal year 2020 appropriation and \$135,100,000 below the requested level.

*Commercial Crew and Cargo Program.*—Within the amounts provided for Space Operations, the recommendation includes \$1,778,000,000 for the Commercial Crew and Cargo program. The Committee strongly encourages NASA to invest these funds into a diverse group of cargo suppliers, with varying capabilities, to be able to meet future mission sizes, needs, and goals.

*21st Century Launch Complex Program.*—Within the amounts provided for Space Operations, the recommendation includes up to the fiscal year 2020 levels for the 21st Century Launch Complex Program. The Committee remains concerned with efforts directed toward filling critical maintenance, capacity, and range safety gaps at NASA launch facilities.

*Rocket Propulsion Test program.*—The Committee provides the requested amount for the Rocket Propulsion Test program, which is \$1,100,000 greater than the fiscal year 2020 appropriation.

*In-Space Manufacturing.*—The Committee encourages NASA to continue its efforts to develop partnerships with universities to leverage efforts, complement ongoing work, and fill gaps in the development of manufacturing, recycling systems, and processes designed to operate in the space environment. Specifically, the partnership should have a special focus on in-situ generated materials, recycling, workforce development, and commercialization. As NASA missions accelerate, there will be an increased need to support sustainable missions. More sustainable exploration missions will need to be more flexible by providing in-space and on-surface manufacturing, as well as on-orbit servicing and assembly capabilities. Such capabilities have the potential to produce significant cost savings and reduce mission risks by reducing launch mass and giving in-space options rather than reliance on spares.

*Active Debris Removal.*—To support remediation efforts as well as future commercial ventures in active debris removal (ADR), the Committee urges NASA to develop a comprehensive strategy to transition technology concepts resulting from its investments in Small Business Innovation Research (SBIR), Small Business Technology Transfer (STTR) programs, and Space Technology Research, Development, Demonstration, and Infusion (REDDI) programs to the commercial space industry.

*Center for the Advancement of Science in Space (CASIS).*—The Committee is aware of an independent review commissioned by NASA in August 2019 regarding the Center for the Advancement of Science in Space (CASIS). The report, completed on February 4, 2020 but not released until April 6, 2020, sharply criticized and found serious issues with the management of the International Space Station National Laboratory (ISSNL) by CASIS, the non-profit organization contracted by NASA to manage the ISSNL. The

independent review team found fundamental issues with how the ISSNL was set up, including its inability to do work for NASA. The report stated, “To preclude the ISSNL from conducting work for its sponsor meets neither the spirit nor intent of a National Laboratory.” The panel found that the agreement between NASA and CASIS was poorly structured, lacking flexibility, resulting in unprofessional behavior on the part of NASA and un-businesslike behavior on the part of CASIS. Further, the report found that there was no representation for the user community and that there is little insight into how projects are selected for flight by CASIS. The panel made several recommendations for improving the management of CASIS and the ISS National Lab, many of which NASA accepted and has ensured that it will take steps to implement. The Committee expects NASA to adhere to its commitment to implement the panel recommendations and directs that NASA and CASIS brief the Committee within 90 days of the enactment of this Act regarding its actions.

*Commercial LEO Development.*—The agreement includes \$15,000,000 for Commercial LEO Development. As NASA works to develop a commercial ecosystem in low-Earth orbit, the Committee encourages NASA to continue working with U.S. industry to support supply-side proposals and demand-side proposals, including in-space manufacturing and regenerative medicine flight demonstrations. Not later than 180 days after enactment of this Act, the Administrator shall conduct an assessment of the costs, benefits, and challenges of repurposing launch vehicle upper stages as free-flying platforms for habitation or industrial modules.

*Domestic Launch Services.*—The Committee recognizes that global competition in the space launch market is increasing and the United States remains the only nation with domestic competition. The Committee also recognizes that NASA is dependent on a healthy domestic industrial base and first-rate space transportation infrastructure for United States launch providers and that the U.S. Government has made and continues to make major, strategic investments in the Nation’s space transportation capabilities. Therefore, the Committee underscores the value of using domestic launch providers, U.S.-manufactured launch vehicles, and U.S. launch sites.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)  
ENGAGEMENT

The Committee provides \$126,000,000 for Science, Technology, Engineering, and Mathematics (STEM) Engagement, which is \$6,000,000 greater than the fiscal year 2020 appropriation. Once again, the Administration requested no funding for STEM Engagement. The Committee expects NASA to continue implementing the programs that follow and to ensure that overhead costs to support these programs do not exceed five percent. Further, the Committee directs NASA to include an adequate funding level for STEM in the fiscal year 2022 budget request and future requests.

*National Space Grant College and Fellowship Program.*—The recommendation includes \$50,000,000 for the Space Grant program, an increase of \$2,000,000 above fiscal year 2020. Funding shall be allocated to State consortia for competitively awarded grants in support of local, regional, and national STEM needs.

*Established Program to Stimulate Competitive Research (EPSCoR).*—The recommendation includes \$26,000,000 for EPSCoR, an increase of \$2,000,000 above fiscal year 2020.

*Minority University Research and Education Project (MUREP).*—The recommendation includes \$38,000,000 for MUREP, an increase of \$2,000,000 above fiscal year 2020.

*STEM Education and Accountability Projects (SEAP).*—The recommendation includes \$12,000,000 for SEAP.

#### SAFETY, SECURITY AND MISSION SERVICES

The Committee provides \$2,953,400,000 for Safety, Security, and Mission Services, which is \$40,100,000 above the fiscal year 2020 appropriation and \$56,500,000 less than the requested level. In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$60,000,000 for NASA to prevent, prepare for, and respond to coronavirus, domestically or internationally.

*Working Capital Fund (WCF) reporting.*—NASA shall continue to submit quarterly reports to the Committee on the expenditures and unobligated balances of NASA’s WCF.

*Mission Support Future Architecture Program (MAP).*—Mission support services are the functions traditionally managed and operated at NASA centers and headquarters. The Committee directs NASA to brief the Committee on the new operating model and NASA’s plan for ensuring maximum opportunities for small businesses.

*Science, Space, and Technology Education Trust Fund.*—The Department of Housing and Urban Development-Independent Agencies Appropriations Act of 1989 (Public Law 100–404) established and funded the Science, Space, and Technology Education Trust Fund, with the funds required to be subsequently invested in special issue securities, earning interest from the corpus fund to be credited to the Trust Fund for the purpose of making grants for programs directed at improving science, space, and technology education in the United States. Recipients of these grants are required to provide matching funds from non-Federal sources. The Committee is aware that, due to current interest rates, interest derived from the corpus fund may soon be insufficient to meet the levels of legally required disbursements of funds, as specified in the original Act. Therefore, up to \$1,000,000 is made available from amounts under this heading, and the Committee urges NASA to explore alternative options for addressing this issue, including legislative proposals as appropriate.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee provides \$419,100,000 for Construction and Environmental Compliance and Restoration, which is \$45,700,000 above the fiscal year 2020 appropriation and \$120,000,000 below the requested level.

*Construction.*—The recommendation includes \$344,400,000 for Construction of Facilities, minor revitalization, planning and design, and demolition. Included in this amount is no less than \$83,700,000 for two new start facilities requested by NASA, and no less than \$25,000,000 for phase two of an ongoing replacement

project at NASA's primary large-scale aerospace manufacturing facility, as assumed in the budget request.

*Environmental Compliance and Restoration.*—The recommendation includes \$74,700,000, which is \$8,200,000 less than the fiscal year 2020 appropriation and equal to the requested level, for Environmental Compliance and Restoration activities. NASA's Environmental Compliance and Restoration (ECR) program cleans up hazardous materials and waste products released to the surface or groundwater at NASA installations, NASA-owned industrial plants supporting NASA activities, current or former sites where NASA operations have contributed to environmental problems, and other sites where the Agency is legally obligated to address hazardous pollutants. Included in this amount is funding to manage costs while remediating environmental contaminants at the Santa Susana Field Laboratory.

*Santa Susana Field Laboratory.*—The Committee is pleased with the progress of building demolition at the Santa Susana Field Laboratory but remains concerned about soil remediation. The Committee understands that NASA is working with the State of California under the 2007 Consent Order and 2010 Administrative Order on Consent regarding soil and groundwater cleanup at the site and on expediting the State's environmental impact report. The Committee encourages NASA to continue working with the State of California on cleanup of the site.

#### OFFICE OF THE INSPECTOR GENERAL

The Committee recommends \$44,200,000 for the Office of the Inspector General, which is \$2,500,000 above fiscal year 2020 appropriation and equal to the requested level.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFERS OF FUNDS)

The Committee has included the following administrative provisions for NASA:

The bill includes a provision that makes funds for any announced prize available without fiscal year limitation until the prize is claimed or the offer is withdrawn.

The bill includes a provision that establishes terms and conditions for the transfer of funds.

The bill includes a provision that requires NASA to submit its agency spending plan at the activity level and subjects both the spending plan and specified changes to that plan to reprogramming procedures under section 505 of this Act.

The bill includes a provision that limits the availability of funds for certain activities until a plan is submitted.

#### NATIONAL SCIENCE FOUNDATION

The Committee recommends \$8,548,343,000 for the National Science Foundation (NSF). This significant investment, which is \$270,013,000 above fiscal year 2020 and \$806,943,000 above the request, shows the Committee's continued support for science, the academic community, and the next generation of scientists, mathematicians, astronomers, and engineers across the country. The Committee underscores the importance of basic research that both

improves the lives of Americans and expands our understanding of the Earth, the depths of our oceans, our solar system, the universe, and oceans on other planets.

In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$75,000,000 for Research and Related Activities and \$1,000,000 for Agency Operations and Award Management to prevent, prepare for, and respond to coronavirus, domestically or internationally.

The Committee supports infrastructure investments that expand our understanding of the universe and inspire students to pursue careers in the sciences. The Committee recognizes that current and future large scientific facilities represent an enormous investment of Federal resources that must be administered wisely. The Committee supports basic research in fundamental science areas and expects that as NSF uses the 10 Big Ideas as a focusing tool, the funding for the fundamental scientific disciplines will be maintained. Within amounts provided, NSF shall allocate no less than fiscal year 2020 levels to support its existing scientific research, research laboratories, observational networks, and other research infrastructure assets, including the astronomy assets, the current academic research fleet, Federally funded research and development centers, and the national high-performance computing centers, so that they may provide the support needed for cutting edge research.

*Divestment activities.*—The Committee is aware that NSF is working with a variety of academic, private sector, and other government agencies with respect to the future operation of some of its observatories. NSF shall continue to keep the Committee informed regarding the status of these activities. Any proposal by NSF to divest the Foundation of these facilities shall be proposed as part of any future NSF budget request and is subject to NSF administrative provisions included in the accompanying bill.

*Innovation Corps.*—The Committee recognizes the value of translating basic research for public benefit, and the recommendation includes \$40,000,000 for the Innovation Corps program to continue to build on the initial successes of its highly innovative public-private partnership model and recent expansion of the program to additional academic institutions.

*HBCU Student Diversity and Success Research.*—The Committee recognizes the value of understanding how students of diverse racial and ethnic backgrounds may succeed in an academic setting. Of the funds appropriated, NSF is encouraged to support research to identify and understand how HBCUs with diverse academic cultures successfully graduate African American students at a higher rate than other institutions; produce a higher rate of African American STEM students receiving PhDs; and instill in students a greater sense of well-being. Within 180 days of enactment of this Act, NSF shall provide a report to the Committee on how NSF funded research is contributing to the success of HBCUs.

*Foundation for Evidence-Based Policymaking Act Implementation.*—Within 90 days of enactment of this Act, the Committee directs NSF to report on the implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115 435) and progress being made by NSF in this area.

*Agency-wide Evidence Participation.*—The Committee encourages NSF to develop guidance to ensure that all relevant internal and external stakeholders are involved in Agency-wide processes for prioritizing and conducting evidence generation activities.

#### RESEARCH AND RELATED ACTIVITIES

The Committee recommends \$6,967,123,000 for Research and Related Activities, which is \$229,923,000 above fiscal year 2020 and \$754,103,000 above the request. The Committee believes that strategic investments in the physical sciences are vitally important for the United States to remain the global leader in innovation, productivity, economic growth, and high-paying jobs for the future.

This Committee commends the National Science Foundation for issuing its plan entitled, *Increasing Access to the Results of Research Funded by the National Science Foundation*, on March 18, 2015. The Committee urges the National Science Foundation to continue its efforts of the plan and requires an update on the agency's activities be included in its fiscal year 2022 budget request.

*Artificial intelligence (AI).*—The Committee believes it is important to maintain leadership in artificial intelligence and commends NSF for its significant investments in this area. The Committee recognizes the potential of artificial intelligence to transform the economy, foster economic growth, support national security, and enhance well-being.

To continue the progress in this emerging field, the Committee recommends no less than the fiscal year 2020 levels to support AI-related grants and interdisciplinary research initiatives. The committee encourages NSF to continue its efforts in workforce development for AI and other emerging technologies, with focused outreach to community colleges, Historically Black Colleges and Universities, Hispanic Serving Institutions, and Minority Serving Institutions.

The Committee continues to urge NSF to invest in the ethical and safe development of AI. The Committee acknowledges receiving the NSF Leadership and Investments in Artificial Intelligence Research Report and further encourages NSF to report to the Committee on any cooperative projects on Artificial Intelligence between United States entities and international partners.

*Established Program to Stimulate Competitive Research (EPSCoR).*—The recommendation includes no less than \$205,000,000 for the EPSCoR program to help targeted jurisdictions strengthen STEM capacity and capability to broaden the expertise base, impact jurisdictional economic growth, and develop a skilled workforce capable of generating high-tech jobs in all states of the nation. EPSCoR states have many unmet needs including equipment and computing/networking resources, sufficient numbers of researchers, especially at the graduate and post-doctoral levels, and better integration into regular NSF programs, which co-funding can help overcome.

*Existing astronomy assets.*—The Committee underscores that a critical component of the nation's scientific enterprise is the infrastructure that supports researchers in discovery science, including planetary protection. Investments to advance the frontiers of research and education in science and engineering are critical to the nation's innovation enterprise. U.S.-based astronomy facilities con-

tinue to make groundbreaking discoveries and maintain excellent world-class scientific research. The Committee instructs NSF to sustain support for the programs and scientific facilities funded by the Astronomical Sciences Division at no less than the fiscal year 2020 levels to maintain full scientific and educational operations. The Committee is aware that NSF is working with Federal, academic, and private sector partners to develop plans to share future operations and maintenance costs of NSF astronomical infrastructure. NSF shall keep the Committee informed of these activities. Further, any proposal by NSF to divest the Foundation of these facilities shall be proposed as part of any future NSF budget request and is subject to NSF administrative provisions included in the accompanying bill.

*Quantum initiative.*—The Committee supports NSF’s research program in quantum information science and technology in support of the authorized activities included in section 401 and section 402 of the National Quantum Initiative Act (Public Law 115 368). This emerging field of science promises to yield revolutionary new approaches to computing, sensing, and communication. NSF should remain committed to developing and supporting systems that facilitate tremendous leaps in computational simulation, including artificial intelligence, storage, quantum computing, and data analyses that enable a broad range of scientific research. Leading edge high-performance computing infrastructure is vital for continued U.S. world leadership and international scientific competitiveness, particularly given computational investments and technical achievements in high-performance computing by other nations. The recommendation provides no less than the fiscal year 2020 level for these activities.

*Historically Black Colleges and Universities Excellence in Research Program.*—The agreement includes \$20,000,000 for the Historically Black Colleges and Universities Excellence in Research Program.

*Arctic Research.*—As NSF continues its Navigating the New Arctic program, the Committee encourages NSF to formulate research programs that also address non-Arctic populations in the continental United States, funding research and training initiatives that focus on global impacts of Arctic change. Specifically, NSF should consider change in the North Atlantic sector of the Arctic and resultant impacts on communities in North America.

*Harmful Algal Blooms (HABs).*—The Committee supports the work of the Oceans and Human Health program to better understand the public health risk of environmental exposures and encourages NSF to continue to support research into the human health impacts of HABs in marine coastal regions, the Great Lakes Basin, and other freshwater systems. HABs jeopardize the integrity of drinking water resources in these regions. The recommendation provides no less than the fiscal year 2020 level for HAB research activities.

*Social, Behavioral, and Economic Sciences (SBE).*—The Committee supports SBE and recognizes the fundamental importance of the research it supports in advancing our understanding of human behavior and its application to a wide range of human systems, including public health, national defense and security, education and learning, and the integration of human and machine. SBE funds

over half of our nation's university-based social and behavioral science research but remains one of the smallest NSF directorates. The Committee believes this research provides an evidence-based understanding of the human condition, resulting in more-informed policymaking and better-informed spending on a full range of national issues. The committee believes SBE-supported research makes the US unique among other nations and recommends no less than the fiscal year 2020 levels for SBE activities.

*Decadal Survey on Astronomy and Astrophysics 2020 (Astro2020).*—NSF funding enables astronomical research in the U.S., at facilities across the globe, and through its flagship observatories at NSF's National Optical-Infrared Astronomy Research Laboratory, the National Radio Astronomy Observatory, the National Astronomy and Ionosphere Center, and the National Solar Observatory. NSF should continue its support for existing astronomical facilities in its budget planning, including through its Windows on the Universe Big Idea. As Congress awaits recommendations from the 2020 Astrophysics and Astronomy Decadal Survey, the Committee also reiterates its support for preliminary investments in emerging priority facilities, such as the next generation Very Large Array and the Extremely Large Telescopes. The Committee is aware that NSF is providing funding in preparation for these future facilities, and the Committee encourages NSF to continue to do so over the coming year.

*Algorithmic bias research.*—The Committee encourages NSF to continue to partner with non-government organizations, academic institutions, and other government agencies including the National Institute of Standards and Technology, to fund research on algorithmic bias in artificial intelligence, machine learning and intelligent systems and its impacts on decisions related to employment, housing, creditworthiness, and many other areas, and to develop methods, tools, and programs for resolving bias within an algorithm. The Committee recognizes that the science sponsored through such collaboration is important for studying the impact that algorithms have on protected classes and for developing an understanding of what kinds of discrimination and bias protected classes face in these particular activities.

The Committee directs NSF to prepare a report on artificial intelligence and bias. This report should include but is not limited to: (1) a description of the current NSF research related to the issue of artificial intelligence and bias; (2) an outline of what research could be done to better understand the issue of artificial intelligence and bias; (3) a description of current NSF initiatives to promote diversity in computer science and machine learning; (4) recommendations for what could be done to further promote diversity in computer science and machine learning; (5) recommendations for how NSF-funded artificial intelligence research can help prevent biased results and (6) any other relevant observations or recommendations within the field of artificial intelligence and bias. Some specific topics could include transparency, explainability, accountability, potential adverse biases and effects, mitigation strategies, validation of fairness, and consideration of inclusivity. This report shall be made publicly available on the NSF website within 270 days after the date of enactment of this Act.



*Solar Astronomy.*—The Committee commends NSF’s ongoing efforts to partner with academic institutions and the National Solar Observatory (NSO) to operate the Richard B. Dunn Solar Telescope (DST) that provides opportunities for solar astronomers to continue to use DST and its associated instrumentation, in the continental United States, in addition to the Daniel K. Inouye Solar Telescope. The Committee encourages NSF to continue its partnerships to ensure this valuable resource is available for continued research.

*Facility Operations.*—The Committee is supportive of NSF’s role in building and operating groundbreaking research facilities, especially in areas that maintain or enhance U.S. leadership in key disciplines. Furthermore, the need for continued investment in world-class major research facilities is not expected to diminish over the coming decade. The Committee supports NSF’s acknowledgement of the findings and recommendations of National Science Board Report 2018–17, including the Facility Operation Transition pilot program. Within 90 days of the enactment of this Act, NSF shall report to the Committee how it is implementing the report findings and how NSF will ensure continued health of existing facilities.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The Committee recommends \$243,230,000 for Major Research Equipment and Facilities Construction, which is equal to the fiscal year 2020 level and \$13,480,000 above the request. The recommendation includes \$1,000,000, as requested, for enhanced oversight. NSF shall continue to provide quarterly briefings to the Committee on the activities funded in this account.

*Antarctica Infrastructure Modernization for Science (AIMS).*—The recommendation includes \$97,890,000 for AIMS to replace major facilities at McMurdo Station, Antarctica. The Committee supports the AIMS program and the recommendations for increased efficiencies included in the U.S. Antarctic Program Blue Ribbon Panel report, *More and Better Science in Antarctica through Increased Logistical Effectiveness*.

*High Luminosity-Large Hadron Collider Upgrade (HL-LHC).*—The recommendation includes \$33,000,000 for upgrades to the detectors at the Large Hadron Collider, as requested.

*Vera C. Rubin Observatory.*—The recommendation includes \$40,750,000, equal to the requested level, for the Vera C. Rubin Observatory, which was ranked as the top large ground-based astronomy project by the National Research Council 2010 Decadal Survey. This observatory will produce the deepest, widest-field sky image ever and issue alerts for moving and transient objects within 60 seconds of discovery.

*Mid-scale research infrastructure.*—The recommendation includes \$70,590,000, within the MREFC account, for mid-scale research infrastructure. The Committee commends NSF for its planned investments in mid-scale research infrastructure, including the provision of larger mid-scale instrumentation and the facility operation transition program to better enable support for facilities over their complete lifespan.

The Committee directs NSF to report, within 180 days of the enactment of this Act, on the implementation of the recommendations in the National Science Board 2018 report entitled *Bridging the*

*Gap: Building a Sustained Approach to Mid-scale Research Infrastructure and Cyberinfrastructure at NSF.*

*Infrastructure planning.*—The Committee is concerned about NSF's planning for the construction and development of the next-generation of competitive large-scale facilities to support NSF-funded science disciplines, including ground-based telescopes. Failure to plan for the next generation of facilities handicaps the U.S. science community and risks our nation's global leadership in science. The Committee encourages NSF to develop a comprehensive and prioritized list of large-scale facilities requested by NSF-supported science disciplines.

#### EDUCATION AND HUMAN RESOURCES

The Committee recommends \$970,000,000 for Education and Human Resources, which is \$30,000,000 above fiscal year 2020 and \$39,070,000 above the request.

*Broadening participation programs.*—To broaden the participation of underrepresented populations in STEM education programs and, ultimately, the STEM workforce, the recommendation provides no less than \$51,000,000 for the Louis Stokes Alliance for Minority Participation; no less than \$70,000,000 for the Robert Noyce Teacher Scholarship Program; no less than \$75,000,000 for the Advanced Technological Education Program; and no less than \$18,000,000 for the Tribal Colleges and Universities Program.

*Inclusion across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science (NSF INCLUDES).*—The Committee supports the NSF INCLUDES program, which is a comprehensive national initiative designed to enhance U.S. leadership in science, technology, engineering and mathematics discoveries and innovations focused on NSF's commitment to diversity, inclusion, and broadening participation in these fields. The recommendation includes no less than \$20,000,000 for the NSF INCLUDES program.

*IUSE Program.*—The Committee supports the Improving Undergraduate STEM Education (IUSE) Program and the recommendation provides no less than \$95,000,000 for program activities.

*Hispanic Serving Institutions (HSIs).*—Hispanic Serving Institutions and the HSI grant program play an important role in increasing the recruitment, retention, and graduation rates of Hispanic students pursuing STEM degrees, particularly at institutions of higher education that typically do not receive high levels of NSF funding. The recommendation includes no less than \$48,000,000 for the HSI program.

The Committee is concerned by the severe underrepresentation of Hispanic Ph.D. graduates in the STEM fields and directs NSF to collaborate with stakeholders in preparing a plan that addresses this issue and leads to an increase in the rate of Hispanic Ph.D. graduates in the STEM fields. NSF shall report back to the Committee on the status of this plan not later than 120 days after the enactment of this Act.

*Historically Black Colleges and Universities Undergraduate Program (HBCU-UP).*—The recommendation provides no less than \$38,000,000 for the HBCU-UP. This initiative provides strategic programs and opportunities for Historically Black Colleges and Universities (HBCUs) that stimulate sustainable improvement in

their research and development capacity and competitiveness. The Committee encourages NSF to continue to use research infrastructure improvement grants, co-funding programs, and other innovative mechanisms to boost HBCU participation and capacity throughout NSF research programs.

*Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs).*—The Committee notes that among the minority-serving institutions with whom NSF provides grant opportunities, AANAPISIs are not designated. The Committee urges NSF to increase grant funding opportunities for AANAPISIs, and to reach out to these institutions to raise awareness regarding these grants.

*Computer Science for All (CSforAll).*—CSforAll will help facilitate research into effective approaches to the teaching and learning of computer science across grades Pre-K–12; it is critical to NSF’s mission and to ensure America’s children are prepared for a 21st century economy. The Committee supports this new program and is encouraged by its promise.

*Early Childhood STEM Education.*—The Committee urges NSF, in awarding grants under its Discovery Research Pre-K–12 program, to consider age distribution in order to more equitably allocate funding for research studies with a focus on early childhood.

*Cybersecurity research.*—The Committee encourages NSF to form partnerships with Hispanic Serving Institutions and Historically Black Colleges and Universities with respect to cybersecurity research.

*CyberCorps.*—The Committee provides no less than \$58,000,000 for CyberCorps: Scholarships for Service program and urges NSF to use the CyberCorps Faculty Fellows pilot program to address the critical shortage of cybersecurity faculty in U.S. institutions of higher education. In addition, the Committee urges NSF to continue work with qualified community colleges including through providing scholarships and apprenticeship opportunities.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

The Committee recommends \$345,640,000 for Agency Operations and Award Management, which is \$8,740,000 above fiscal year 2020 and the same as the request.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

The Committee recommends \$4,500,000 for the National Science Board, which is the same as fiscal year 2020 and \$290,000 above the request.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$17,850,000 for the Office of Inspector General, which is \$1,350,000 above fiscal year 2020 and the equal to the request.

#### ADMINISTRATIVE PROVISIONS

#### (INCLUDING TRANSFER OF FUNDS)

The bill includes a provision that establishes thresholds for the transfer of funds.

The bill includes a provision regarding notification prior to acquisition or disposal of certain assets.

#### TITLE IV

#### RELATED AGENCIES

#### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

The Committee recommends \$12,000,000 for the Commission on Civil Rights, which is \$1,500,000 above fiscal year 2020 and \$1,935,000 above the request.

*Field Hearings.*—The Committee encourages the Commission to conduct field hearings on priority civil rights topics such as policing, fair housing, and the Census.

*Policing Reform.*—The Committee commends the Commission for its report, *Police Use of Force: An Examination of Modern Policing Practices*, and directs the Commission to continue disseminating the findings and recommendations on constitutional policing reform found in that and other related Commission reports. The Committee provides additional funding in support of the Commission's efforts to further research and advise on this topic.

*Donations.*—The Committee includes bill language granting the Commission the authority to accept donations to carry out its mission, similar to authority provided to 45 other Federal agencies. The Commission shall provide to the Committee quarterly updates on all gifts and donations, as well as the terms of, and specific activities funded by, the gift or donation. Additionally, anticipated funding from gifts or donations shall be included in the Commission's annual spend plan.

*Territories.*—Within the amount provided, the Committee directs the Commission to establish Advisory Committees in Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands, as well as to provide for appropriate staffing and related costs. The Committee believes it is important to provide these territories with equal resources to shed light on ongoing civil rights concerns under the American flag.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### SALARIES AND EXPENSES

The Committee recommends \$408,700,000 for the Equal Employment Opportunity Commission (EEOC), which is \$19,200,000 above fiscal year 2020 and \$46,219,000 above the request. The recommended additional funding is provided to increase front-line and investigative staff to reduce wait times for intake appointments, provide live help via the hotlines, modernize information technology, and to collect information required by the revised EEO 1 form.

*Summary of Equal Pay Data and Report.*—Within the amount provided, the EEOC shall analyze summary pay information collected through the revised EEO I form for 2017 and 2018, publish a publicly available report describing the methodology of results of

the analysis, and develop a revised proposal for collecting pay data from employers, including a process and timeline for doing so.

Within 90 days of the enactment of this Act, the EEOC shall submit a report to the House Appropriations Committee setting forth a timeline and process for analyzing the summary pay information collected through the revised EEO I form, and for publishing a publicly available report describing the methodology and the results of the analysis. The Committee encourages the Commission's report to include an analysis of the feasibility of disaggregating pay data by industry, by role or position, and with data disaggregated by race, ethnicity, and gender.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$105,000,000 for the International Trade Commission (ITC), which is \$5,600,000 above fiscal year 2020 and \$5,400,000 above the request.

The Committee recognizes the Nation's diverse and unique geographic regions allow for year-round availability of a variety of agricultural produce important to U.S. consumers. However, the Committee is concerned that some regions that specialize in seasonal produce that may only be grown during certain months of the year are also vulnerable to competition and unfair trade practices from foreign markets. Therefore, the Committee directs the ITC to study the effects of seasonal produce dumping, how it impacts different geographic regions throughout the year, and existing challenges to addressing these issues.

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommends \$465,000,000 for the Legal Services Corporation (LSC), which is \$25,000,000 above fiscal year 2020 and \$446,800,000 above the request.

In addition, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136) included \$50,000,000 for payment to the Legal Services Corporation to prevent, prepare for, and respond to coronavirus, domestically or internationally.

LSC is a nonprofit corporation established to promote equal access to justice and to provide grants for high-quality civil legal assistance to low-income persons. LSC grants help the most vulnerable people, including thousands of low-income individuals, veterans, children, families and seniors with civil legal assistance with matters addressing family law, including domestic violence, child support, and custody, as well as with housing matters, including evictions and foreclosures. The recommended funding level includes \$423,400,000 for basic field grants, an increase of \$20,700,000 above fiscal year 2020. The increased funding will enable LSC's grantees to expand their outreach and assist more low-income Americans. With State, local, pro bono, and private sources underfunded, LSC is critical to closing the access-to-justice gap.

*Evictions.*—The Committee continues to be concerned with the high rate of evictions in certain States and territories and the limited available legal aid. LSC should continue its plan to conduct

and publish an analysis regarding areas within States and territories with high rates of unmet legal needs involving evictions and with consideration of variations in local laws. LSC should use data regarding eviction rates, availability of legal aid or other free legal advocates, and differences among laws and procedures affecting evictions in different areas. In addition, LSC is urged to explore opportunities to increase access to eviction-related legal aid in such States and territories, including through LSC's Pro Bono Innovation Fund.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The bill continues certain restrictions on the uses of LSC funding.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

The Committee was disappointed by the proposal to close the Marine Mammal Commission and rejects that proposal. Instead the recommendation includes \$3,769,000 for the critical ongoing work of the commission to protect these important species.

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

The Committee recommends \$70,000,000 for the Office of the U.S. Trade Representative (USTR), which is \$1,000,000 above fiscal year 2020 and \$3,000,000 below the request. In addition, Title IX of the United States-Mexico-Canada Implementation (USMCA) Act (Public Law 116–113) included \$90,000,000 in supplemental appropriations for obligation until fiscal year 2023. The Committee reminds USTR of the quarterly expenditure report directed in House Report 116–101. The Committee directs the continuation of this report for fiscal year 2021 and expects the inclusion of all funds provided to USTR, including supplemental appropriations. Further, the report should include information on staffing and hires that are supporting the implementation of the USMCA. The report is due no later than 30 days after the end of each quarter in the fiscal year.

*Bilateral Trade Agreements.*—As the USTR continues multiple and simultaneous bilateral trade agreement discussions on behalf of the United States with various countries, including China and India, the Committee encourages USTR to continue to prioritize key U.S. export markets to ensure U.S. exporters are treated fairly, and where applicable, USTR is encouraged to prioritize resources to monitor compliance with trade obligations and enforce terms of such agreements. The Committee supports USTR's work to provide equitable market access for United States exports, including American-produced boric acid and American-grown almonds, pistachios, and walnuts, in India, and fresh citrus and other specialty crops, in China, and urges USTR to continue to prioritize fair treatment for American companies and enforcement of all of our trading partners' obligations.

*Section 505 Notifications.*—The Committee was disappointed to learn that USTR announced the creation of a new Office of American Competitiveness and Enterprise and began advertising for

new positions for this office both internally and externally without notifying the Committee. The Committee reminds USTR that the creation of a new office within its organization requires notification to the Committees on Appropriations in accordance with section 505 of this Act and prior Appropriations Acts.

#### SALARIES AND EXPENSES

The Committee recommends \$55,000,000 for the salaries and expenses of USTR, which is \$1,000,000 above fiscal year 2020 and \$5,000,000 below the request.

#### TRADE ENFORCEMENT TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$15,000,000, which is to be derived from the Trade Enforcement Trust Fund, for trade enforcement activities authorized by the Trade Facilitation and Trade Enforcement Act of 2015 (“TFTEA”).

The recommendation is \$2,000,000 above the request and equal to the amount for fiscal year 2020.

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

The Committee recommends \$7,700,000 for the State Justice Institute, which is \$1,145,000 above fiscal year 2020.

The additional funding is provided to enhance the Institute’s efforts to help State courts address the opioid epidemic. The Committee expects the Institute to make addressing the opioid epidemic a priority.

### TITLE V

#### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS)

##### (INCLUDING TRANSFER OF FUNDS)

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly authorized.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under existing Executive order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any

means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects, or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 provides that if it is determined that any person intentionally affixes a “Made in America” label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced, or assembled in the United States or its territories or possessions.

Section 507 requires quarterly reporting on the status of balances of appropriations.

Section 508 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in this Act, or, for the Department of Commerce, from actions taken for the care and protection of loan collateral or grant property, shall be absorbed within the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 509 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions that are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 510 limits the obligation of receipts deposited into the Crime Victims Fund to \$2,650,000,000 during fiscal year 2021. The language also provides for a tribal set-aside.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 512 prohibits the transfer of funds made available in this Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 513 requires the Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Serv-



ices Corporation to conduct reviews of activities funded in this Act and requires certifications regarding conflicts of interest.

Section 514 prohibits funds for acquisition of certain information systems unless the acquiring department or agency has reviewed and assessed certain risks. Any acquisition of such an information system is contingent upon the development of a risk mitigation strategy and a determination that the acquisition is in the national interest. Each department or agency covered by this section shall consult with the Federal Bureau of Investigation (FBI) and other relevant agencies when reviewing supply chain risks and making a determination that the acquisition is in the national interest. Each department or agency covered by this section is directed to ensure it is following the criteria established by the FBI and the National Institute of Standards and Technology when acquiring or renewing certain information systems. Each department or agency covered under this section shall submit a quarterly report to the Committees on Appropriations of the House and Senate describing reviews and assessments of risk made pursuant to this section and any associated findings or determinations.

Section 515 prohibits the use of funds made available in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 516 prohibits the use of funds made available in this Act to include certain language in trade agreements.

Section 517 prohibits the use of funds made available in this Act to authorize or issue a national security letter (NSL) in contravention of certain laws authorizing the FBI to issue NSLs.

Section 518 requires congressional notification regarding any project within the Departments of Commerce or Justice, the National Science Foundation or the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of 10 percent or more.

Section 519 deems funds for intelligence or intelligence related activities as authorized by Congress during fiscal year 2021 until the enactment of the Intelligence Authorization Act for fiscal year 2021.

Section 520 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment.

#### (RESCISSIONS)

Section 521 provides for rescissions of unobligated balances from the Departments of Commerce and Justice.

Section 522 prohibits the use of funds made available in this Act for the purchase of first class or premium air travel in contravention of certain Federal regulations.

Section 523 prohibits the use of funds made available in this Act to pay for the attendance of more than 50 department or agency employees, who are stationed in the United States, at any single conference outside the United States, except for certain law enforcement and scientific conferences.

Section 524 requires tracking and reporting of undisbursed balances in expired grant accounts.

Section 525 requires funds, to the extent practicable, to be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

Section 526 prohibits the use of funds made available in this Act by the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP) or the National Space Council (NSC) to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA, OSTP or NSC after consultation with the Federal Bureau of Investigation have made a certification pursuant to subsections (c) and (d) of this section.

Section 527 prohibits the use of funds made available in this Act to establish or maintain a computer network that does not block pornography, except for law enforcement or victim assistance purposes.

Section 528 requires each department and agency funded in the bill to submit spending plans.

Section 529 prohibits funds to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 530 prohibits funds from being used by the Department of Justice or Drug Enforcement Administration in contravention of section 7606 of Agricultural Act of 2014.

Section 531 prohibits the Department of Justice from preventing certain States and territories from implementing State or territory laws regarding the use of medical marijuana.

Section 532 requires a quarterly report from the Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation on official travel to China.

Section 533 requires not less than 10 percent of the funds provided for certain programs be provided to persistent poverty counties or any territory or possession of the United States.

Section 534 clarifies that the formulation and development cost of the James Webb Space Telescope, as specified in division B of Public Law 116–93, shall not include any costs directly related to preventing, preparing for, and responding to the impacts of a global pandemic health crisis.

Section 535 prohibits funds for the Census Bureau to use information or records through data sharing agreements in contravention of existing law, including sections 9 and 214 of title 13, United States Code.

Section 536 prohibits funds to move a Bureau of Alcohol, Tobacco, Firearms, and Explosives facility.

Section 537 prohibits funds for the Census Bureau to compile or produce certain data products or tabulations under certain circumstances.

Section 538 prohibits funds from being used to implement the Attorney General Memorandum dated November 7, 2018, entitled “Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities”.

Section 539 prohibits funds from being used to carry out or support any law enforcement action taken to support or control a crowd or public demonstration, unless the law enforcement officer wears clearly visible identification of the law enforcement agency

that vests such individual with authority to carry out or support such action.

Section 540 prohibits funding for salaries and expenses of more than five political and Presidential appointees in the Bureau of the Census.

Section 541 prohibits funding to enable the United States Attorney General to travel more than 50 miles from the Robert F. Kennedy Department of Justice Building in the District of Columbia.

Section 542 amends section 510 of division B of Public Law 116-93.

#### HOUSE OF REPRESENTATIVES REPORTING REQUIREMENTS

The following materials are submitted in accordance with various requirements of the Rules of the House of Representatives:

#### **FULL COMMITTEE VOTES**

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## Roll Call 1

Date: July 14, 2020

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY2021

Motion by: Mr. Cole

Description of Motion: Exempts federally recognized Indian Tribes from the requirements of section 219 of the Bill.

Results: Defeated 22 yeas to 30 nays

*Members Voting Yea*

Mr. Aderholt  
 Mr. Amodei  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Diaz-Balart  
 Mr. Fleischmann  
 Mr. Fortenberry  
 Ms. Granger  
 Mr. Graves  
 Dr. Harris  
 Ms. Herrera Beutler  
 Mr. Hurd  
 Mr. Joyce  
 Mr. Moolenaar  
 Mr. Newhouse  
 Mr. Palazzo  
 Mr. Rogers  
 Mr. Rutherford  
 Mr. Simpson  
 Mr. Stewart  
 Mr. Womack

*Members Voting Nay*

Mr. Aguilar  
 Mr. Bishop  
 Mrs. Bustos  
 Mr. Cartwright  
 Mr. Case  
 Ms. Clark  
 Mr. Crist  
 Mr. Cuellar  
 Ms. DeLauro  
 Ms. Frankel  
 Ms. Kaptur  
 Mr. Kilmer  
 Mrs. Kirkpatrick  
 Mrs. Lawrence  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Ms. Meng  
 Ms. Pingree  
 Mr. Pocan  
 Mr. Price  
 Mr. Quigley  
 Ms. Roybal-Allard  
 Mr. Ruppberger  
 Mr. Ryan  
 Mr. Serrano  
 Mrs. Torres  
 Mr. Visclosky  
 Ms. Wasserman Schultz  
 Mrs. Watson Coleman

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## Roll Call 2

Date: July 14, 2020

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY2021

Motion by: Mr. Diaz-Balart

Description of Motion: Exempts school hardening measures from the requirements of section 219 of the Bill.

Results: Defeated 22 yeas to 30 nays

*Members Voting Yea*

Mr. Aderholt  
 Mr. Amodei  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Diaz-Balart  
 Mr. Fleischmann  
 Mr. Fortenberry  
 Ms. Granger  
 Mr. Graves  
 Dr. Harris  
 Ms. Herrera Beutler  
 Mr. Hurd  
 Mr. Joyce  
 Mr. Moolenaar  
 Mr. Newhouse  
 Mr. Palazzo  
 Mr. Rogers  
 Mr. Rutherford  
 Mr. Simpson  
 Mr. Stewart  
 Mr. Womack

*Members Voting Nay*

Mr. Aguilar  
 Mr. Bishop  
 Mrs. Bustos  
 Mr. Cartwright  
 Mr. Case  
 Ms. Clark  
 Mr. Crist  
 Mr. Cuellar  
 Ms. DeLauro  
 Ms. Frankel  
 Ms. Kaptur  
 Mr. Kilmer  
 Mrs. Kirkpatrick  
 Mrs. Lawrence  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Ms. Meng  
 Ms. Pingree  
 Mr. Pocan  
 Mr. Price  
 Mr. Quigley  
 Ms. Roybal-Allard  
 Mr. Ruppberger  
 Mr. Ryan  
 Mr. Serrano  
 Mrs. Torres  
 Mr. Visclosky  
 Ms. Wasserman Schultz  
 Mrs. Watson Coleman

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## Roll Call 3

Date: July 14, 2020

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY2021

Motion by: Mr. Rutherford

Description of Motion: Exempts certain programs funded under the "Community Oriented Policing Services" heading from the requirements of section 219 of the Bill.

Results: Defeated 22 yeas to 30 nays

*Members Voting Yea*

Mr. Aderholt  
 Mr. Amodei  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Diaz-Balart  
 Mr. Fleischmann  
 Mr. Fortenberry  
 Ms. Granger  
 Mr. Graves  
 Dr. Harris  
 Ms. Herrera Beutler  
 Mr. Hurd  
 Mr. Joyce  
 Mr. Moolenaar  
 Mr. Newhouse  
 Mr. Palazzo  
 Mr. Rogers  
 Mr. Rutherford  
 Mr. Simpson  
 Mr. Stewart  
 Mr. Womack

*Members Voting Nay*

Mr. Aguilar  
 Mr. Bishop  
 Mrs. Bustos  
 Mr. Cartwright  
 Mr. Case  
 Ms. Clark  
 Mr. Crist  
 Mr. Cuellar  
 Ms. DeLauro  
 Ms. Frankel  
 Ms. Kaptur  
 Mr. Kilmer  
 Mrs. Kirkpatrick  
 Mrs. Lawrence  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Ms. Meng  
 Ms. Pingree  
 Mr. Pocan  
 Mr. Price  
 Mr. Quigley  
 Ms. Roybal-Allard  
 Mr. Ruppertsberger  
 Mr. Ryan  
 Mr. Serrano  
 Mrs. Torres  
 Mr. Visclosky  
 Ms. Wasserman Schultz  
 Mrs. Watson Coleman

**FULL COMMITTEE VOTES**

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## Roll Call 4

Date: July 14, 2020

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY2021

Motion by: Mr. Kaptur

Description of Motion: To report the Commerce, Justice, Science, and Related Agencies Appropriations Bill to the House, as amended.

Results: Approved 30 yeas to 22 nays

*Members Voting Yea*

Mr. Aguilar  
 Mr. Bishop  
 Mrs. Bustos  
 Mr. Cartwright  
 Mr. Case  
 Ms. Clark  
 Mr. Crist  
 Mr. Cuellar  
 Ms. DeLauro  
 Ms. Frankel  
 Ms. Kaptur  
 Mr. Kilmer  
 Mrs. Kirkpatrick  
 Mrs. Lawrence  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Ms. Meng  
 Ms. Pingree  
 Mr. Pocan  
 Mr. Price  
 Mr. Quigley  
 Ms. Roybal-Allard  
 Mr. Ruppertsberger  
 Mr. Ryan  
 Mr. Serrano  
 Mrs. Torres  
 Mr. Visclosky  
 Ms. Wasserman Schultz  
 Mrs. Watson Coleman

*Members Voting Nay*

Mr. Aderholt  
 Mr. Amodei  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Diaz-Balart  
 Mr. Fleischmann  
 Mr. Fortenberry  
 Ms. Granger  
 Mr. Graves  
 Dr. Harris  
 Ms. Herrera Beutler  
 Mr. Hurd  
 Mr. Joyce  
 Mr. Moolenaar  
 Mr. Newhouse  
 Mr. Palazzo  
 Mr. Rogers  
 Mr. Rutherford  
 Mr. Simpson  
 Mr. Stewart  
 Mr. Womack

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding: The Committee on Appropriations considers program performance, including a program’s success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

RESCISSION OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

Department of Commerce:	
National Oceanic and Atmospheric Administration, Fisheries Enforcement Asset Forfeiture Fund .....	\$10,000,000
Department of Justice:	
Working Capital Fund .....	75,000,000
Office of Justice Programs .....	70,000,000
Community Oriented Policing Services .....	15,000,000

TRANSFERS OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfers of funds provided in the accompanying bill:

In title I, under Bureau of the Census, Periodic Censuses and Programs, language is included to transfer funds to the Department of Commerce, Office of Inspector General.

Under U.S. Patent and Trademark Office, Salaries and Expenses, language is included to transfer funds to the Civil Service Retirement and Disability Fund, the Federal Employees Health Benefit Fund, the Federal Employees Group Life Insurance Fund, and the Department of Commerce, Office of Inspector General.

Under National Institute of Standards and Technology, Scientific and Technical Research and Services, language is included allowing for transfers to the Working Capital Fund.

Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities, language is included to transfer funds from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries fund.

Under National Oceanic and Atmospheric Administration, Procurement, Acquisition, and Construction, language is included to transfer funds to the Department of Commerce, Office of the Inspector General.

Under Office of the Inspector General, language is included to transfer funds from the Public Safety Trust Fund.

Section 103 provides language for the transfer of funds between Department of Commerce appropriations in certain circumstances.

In title II, under General Administration, Justice Information Sharing Technology, language is included allowing for the transfer of funds.

Under General Administration, Executive Office for Immigration Review, language is included to transfer funds to the Executive Of-



office for Immigration Review from fees deposited in the Immigration Examinations Fee account.

Under Legal Activities, Salaries and Expenses, General Legal Activities, language is included allowing for the transfer of funds in certain circumstances.

Under Legal Activities, Salaries and Expenses, Community Relations Service, language is included allowing for the transfer of funds in certain circumstances.

Under National Security Division, Salaries and Expenses, language is included to allow the transfer of funds in certain circumstances.

Under Federal Prison System, Salaries and Expenses, language is included to allow the transfer of funds to the Department of Health and Human Services.

Under State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs, language is included to allow the transfer of funds in certain circumstances.

Under State and Local Law Enforcement Activities, State and Local Law Enforcement Assistance, language is included to allow the transfer of funds in certain circumstances.

Under State and Local Law Enforcement Activities, Public Safety Officer Benefits, language is included to allow the transfer of funds in certain circumstances.

Under Community Oriented Policing Services, Community Oriented Policing Services Programs, language is included to allow the transfer of funds to the Office of Justice Programs.

Section 210 provides language for the transfer of funds between certain grant funds and the National Institute of Justice and the Bureau of Justice Statistics.

In title III, under National Aeronautics and Space Administration, Administrative Provisions, language is included allowing for the transfer of funds between appropriations.

Under National Science Foundation, Administrative Provisions, language is included allowing for the transfer of funds among appropriations.

Under United States Trade Representative, Trade Enforcement Trust Fund, language is included providing for the transfer of funds.

Under General Provisions, Section 508 provides for the transfer of funds in certain circumstances.

Under General Provisions, Section 510 provides for the transfer of funds to the Department of Justice, Office of Inspector General.

#### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH RULE XIII, CL. 3(E) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 151 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991**

**SEC. 151. DANGER PAY ALLOWANCE.**

The Secretary of State may not deny a request by the Drug Enforcement Administration **[or]**, *the* Federal Bureau of Investigation, *or the United States Marshals Service* to authorize a danger pay allowance (under section 5928 of title 5, United States Code) for any employee of such agency.

**COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

(Public Law 116-93, division B)

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

\* \* \* \* \*

**TITLE V**

**GENERAL PROVISIONS**

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

\* \* \* \* \*

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$2,641,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for *crime victim-related* oversight and auditing purposes **[associated with this section]**; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

\* \* \* \* \*

**CHANGES IN THE APPLICATION OF EXISTING LAW**

Pursuant to clause 3(f)(1)(A) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill that directly or indirectly change the application of existing law.

Language is included for a number of accounts placing limitations on representation and reception allowances in order to restrict the amount of money that would otherwise be spent on these activities. The bill also provides that a number of appropriations shall remain available for obligation beyond the current fiscal year. While these provisions are not specifically authorized for all of the items, it is deemed desirable to include such language for certain programs in order to provide for orderly administration and effective use of funds.

In title I, Department of Commerce, under International Trade Administration, Operations and Administration, language is included providing that funds may be used for engaging in trade promotion activities abroad, including facilitating business investments, expenses of grants and cooperative agreements, for the purposes of promoting exports of U.S. firms. Language is also provided allowing for full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration; employment of Americans and aliens by contract for services; rental of space abroad and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; and payment of tort claims. In addition, language is included regarding official representation expenses abroad, purchase of passenger motor vehicles for official use abroad, obtaining insurance on official motor vehicles, and rental of tie lines. Language is also recommended deriving a portion of available funds from fees. Furthermore, language is included designating funding for China antidumping and countervailing duty enforcement and compliance activities. Moreover, language is included providing for two-year availability for a portion of the funds. Finally, language is included regarding the contributions under the Mutual Educational and Cultural Exchange Act of 1961.

Under Bureau of Industry and Security, Operations and Administration, the language provides for no-year availability of funds. Language is included regarding the costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims; official representation expenses abroad; awards of compensation to informers; and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use without regard to any price limitation established by law. In addition, language is included regarding the Mutual Educational and Cultural Exchange Act of 1961. Finally, language is recommended providing that payments and contributions collected and accepted for materials or services may be retained for use in covering the cost of those activities and other communications.

Under Economic Development Administration, Economic Development Assistance Programs, the language provides for no-year availability of funds.

Also, under Salaries and Expenses, language is included regarding the monitoring of approved projects.

Under Minority Business Development Agency, Minority Business Development, language is included making funds available for fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts and other agreements.

Under Economic and Statistical Analysis, Salaries and Expenses, language is included providing for two-year availability of funds.

Under Bureau of the Census, Current Surveys and Programs, language is included providing that funds may be used for collecting, compiling, analyzing, preparing and publishing statistics and for promotion, outreach and marketing activities.

Also, under Periodic Censuses and Programs, language is included providing three-year availability of funds. Language is also included providing that funds may be used for collecting, compiling, analyzing, preparing and publishing statistics and for promotion, outreach and marketing activities. In addition, language is included providing for a transfer to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

Under National Telecommunications and Information Administration (NTIA), Salaries and Expenses, language is included permitting the Secretary of Commerce to charge Federal agencies for costs in spectrum management, analysis, operations, and related services; and to use such collections in telecommunications research. The language also allows the Secretary to retain and use as offsetting collections all funds transferred, or previously transferred for telecommunications research, engineering and activities by the Institute for Telecommunication Sciences of NTIA. Finally, language is included providing that funds so transferred shall remain available until expended.

Also, under Public Telecommunications Facilities, Planning and Construction, language is included allowing recoveries and unobligated balances of funds previously appropriated to be available for the administration of all open grants until their expiration.

Under United States Patent and Trademark Office, Salaries and Expenses, language is included providing that appropriated funds be reduced as offsetting collections are assessed and collected. Language is including making funds available until expended and providing that funds received in excess of appropriations be deposited in a Patent and Trademark Fee Reserve Fund, to be available until expended pursuant to the Director submitting a spending plan subject to section 505 of this Act, after which the funds shall be transferred to the Salaries and Expenses account. In addition, language is included limiting representation expenses. Language is also included regarding basic pay and certain retirement benefits. Additional language is included regarding USPTO's financial statements. Furthermore, language is included providing that fees and surcharges charged are available to USPTO pursuant to section 42(c) of title 35, United States Code. Finally, the language provides that an amount be transferred to the Office of Inspector General (OIG).

Under National Institute of Standards and Technology (NIST), Scientific and Technical Research and Services, language is included providing for no-year availability of funds. In addition, language is included allowing transfers to the Working Capital Fund. Language is included limiting funds for official reception and rep-

resentation expenses. Finally, language is included allowing NIST to provide local transportation for a certain fellowship program.

Also, under Industrial Technology Services, language is included providing no-year availability of funds. The language also designates an amount for the Manufacturing Extension Partnership and the National Network for Manufacturing Innovation.

In addition, under Construction of Research Facilities, language is included providing for no-year availability of funds. Language is also included regarding the submission of certain materials in support of construction budget requests.

Under National Oceanic and Atmospheric Administration (NOAA), Operations, Research, and Facilities, language is included allowing for two-year availability for funds. Language is also included allowing maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities. Language is included allowing fees and donations received by a particular office to be retained and used for expenses related to certain activities. In addition, language is included that provides that certain funds be derived from various sources and restricting their use to certain activities. Moreover, language is included specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act. Finally, language is included providing for retired pay expenses.

Also, under Procurement, Acquisition and Construction, language is included providing for three-year availability for funds, except for construction funds, which are available until expended. Language is also included providing that certain funds be derived from various sources. In addition, language is included specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act. Language is included regarding the submission of certain materials in support of construction budget requests. Language is included transferring an amount to the OIG.

In addition, under Pacific Coastal Salmon Recovery, language is included providing for two-year availability of funds. Language is also included allowing the Secretary of Commerce to issue grants to specific States and Federally recognized tribes for conservation projects for listed endangered or threatened salmon and steelhead populations, populations at risk to be so listed, and for maintaining populations necessary for the exercise of tribal treaty fishing rights, and for conservation of Pacific coastal salmon and steelhead habitat, to be allocated under scientific and merit principles and not available for marketing activities; and requiring a State match.

Furthermore, under Fishermen's Contingency Fund, language is included providing for the appropriation of funds to be derived from receipts collected pursuant to Title IV of Public Law 95 372 and provides that these funds are available until expended.

Additionally, under Fishery Disaster Assistance language is included providing two-year availability of funds.

Moreover, under Fisheries Finance Program Account, language is included placing limitations on individual fishing quota loans and traditional direct loans.

Under Departmental Management, Salaries and Expenses, language is included limiting funds for official reception and representation expenses. Further, language is included requiring reimbursement for Commerce employees detailed to offices within the Office of the Secretary of the Department of Commerce for more than 30 days.

In addition, under Renovation and Modernization, language is included making available funds for expenses towards Department of Commerce facilities.

Additionally, under the Nonrecurring Expenses Fund, language is included making available funds for expenses towards the modernization of its business application system. Further, language is included providing three-year availability of the funds.

Moreover, under the Office of Inspector General, language is included making funds available for purposes of carrying out provisions of the Inspector General Act of 1978. Additionally, funds are provided from the Public Safety Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority.

Under Department of Commerce, General Provisions, the following general provisions that fall within the rule are recommended:

Section 101 makes funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 102 makes appropriations for the Department available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides language for the transfer of funds between Department of Commerce appropriations in certain circumstances and requires the Secretary of Commerce to notify the Committee of certain actions.

Section 104 extends Congressional notification requirements for NOAA satellite programs and includes life cycle cost amounts for certain satellites.

Section 105 provides for reimbursement for services within Department of Commerce buildings.

Section 106 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 107 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

Section 108 prohibits the National Technical Information Service from charging customers for certain publications, except under certain conditions and requires charges be limited to recovering costs.

Section 109 authorizes NOAA to receive payments from other entities to defray some costs of permitting and regulatory activities.

Section 110 provides authority for the programs of the Bureau of Economic Analysis and the Bureau of the Census to enter into cooperative agreements in order to assist in improving statistical methodology and research.

In title II, Department of Justice, under General Administration, Salaries and Expenses, language is included providing for an

amount for security and construction of Department of Justice facilities, which shall remain available until expended. Language is also included providing funding to implement section 220 of this Act related to a Task Force on Law Enforcement Oversight.

Also, under Justice Information Sharing Technology, language is included providing that funds be available until expended. Language is also included allowing transfers up to a certain amount to this account for information technology initiatives, and that these funds may be transferred subject to requirements in this Act and shall be available until expended.

In addition, under Executive Office for Immigration Review, language is included providing that an amount shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account. Language is also included making an amount available for a two-year period for certain purposes.

Moreover, under Office of Inspector General, language is included providing for not to exceed \$10,000 to meet unforeseen emergencies of a confidential character. Language is also included making certain funds available for two years.

Under United States Parole Commission, Salaries and Expenses, language is included providing that upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

Under Legal Activities, Salaries and Expenses, General Legal Activities, language is included providing not to exceed a certain amount for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General. Language is also included providing for the administration of pardons and clemency petitions. Language is also included providing for rental of space in the District of Columbia. Language is included making an amount available until expended for litigation support contracts. In addition, language is included making certain funds available to INTERPOL available until expended. Also, language is included limiting the amount of funds for official representation and reception expenses available to INTERPOL Washington and to the Criminal Division. Additional language is included providing funds for the Civil Rights Division related to additional expenses related to enforcement of authorities under Titles 34 and Titles 18 of United States Code, including compliance with consent decrees or judgments. Furthermore, language is included providing funds to the Civil Rights Division for expenses associated with election monitoring, authority to reimburse the Office of Personnel Management for such expenses, and availability of such funds until expended. Language is also included regarding the transfer of funds for Civil Division litigation activities, which shall be subject to the provisions of section 505 of this Act. Finally, language is included for expenses associated with processing cases under the National Childhood Vaccine Injury Act of 1986.

Also, under Salaries and Expenses, Antitrust Division, language is included providing for no-year availability of funds and the use of offsetting collections, and limiting the amount of funds for official representation and reception expenses. The language also provides that fees collected for premerger notification filings, regard-

less of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended.

In addition, under Salaries and Expenses, United States Attorneys, language is included regarding inter-governmental and cooperative agreements and limiting funds for official reception and representation expenses. Additional language is included for additional expenses related to enforcement of authorities under Titles 18 and 34 of the United States Code, including compliance with consent decrees or judgments. Language is also included extending the availability of certain funds. Finally, language is included requiring each United States Attorney to establish or participate in a task force on human trafficking.

Furthermore, under United States Trustee System Fund, language is included regarding refunds due depositors. Language is also included providing for the extended availability of certain funds and the use of offsetting collections.

Moreover, under Fees and Expenses of Witnesses, language is included regarding contracts for the procurement and supervision of expert witnesses. In addition, language is included regarding funds for construction of buildings for safesites, armored and other vehicles, and telecommunication equipment. The language also provides for no-year availability of funds. Under Salaries and Expenses, Community Relations Service, language is included regarding the transfer of funds for conflict resolution and violence prevention activities, which shall be subject to the provisions of section 505 of this Act.

Under United States Marshals Service, Salaries and Expenses, language is included limiting official reception and representation expenses, and providing for no-year availability for part of the appropriation.

Also, under Construction, language is included providing for no-year availability of funds.

In addition, under Federal Prisoner Detention, language is included providing for no-year availability of funds. Language is included limiting the amount of funds considered "funds appropriated for State and local law enforcement assistance". Language is also included providing that the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

Under National Security Division, Salaries and Expenses, language is included providing for the no-year availability of funds for IT systems. Language is also included providing that upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances. The language provides that such a transfer shall be treated as a reprogramming under section 505 of this Act.

Under Interagency Law Enforcement, Interagency Crime and Drug Enforcement, language is included providing for no-year availability for some of the funds. Language is also included regarding authorities under which funds may be used.



Under Federal Bureau of Investigation, Salaries and Expenses, language is included providing for no-year availability of certain funds. Additional language is provided related to funding for the Corruption/Civil Rights Section for enforcement of authorities under Titles 18 and 34 of the United States Code, including compliance with consent decrees or judgments. Language is included providing for a limitation on official reception and representation expenses.

Under Construction, language is included specifying the purpose of the appropriation and making it available until expended.

Under Drug Enforcement Administration, Salaries and Expenses, language is included providing for funds to meet unforeseen emergencies of a confidential character. Language is also included allowing conduct of drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs. In addition, language is included providing for no-year availability of certain funds. Language is included providing for a limitation on official reception and representation expenses. Finally, language is included permitting use of some of the appropriation to reimburse expenses incurred to clean up and safely dispose of certain substances which may present a danger to public health or the environment.

Under Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses, language is included allowing training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection, and allowing provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement. Language is also included limiting official reception and representation expenses. In addition, language is included providing funds for the payment of attorneys' fees. Additional language is included prohibiting expenses to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code. Language is further included regarding expenses to investigate applications filed by corporations for relief from section 925(c) of title 18, United States Code. In addition, language is included providing for no-year availability of certain funds. Moreover, language is included that prohibits funds to transfer the functions, missions or activities of ATF to other agencies or departments.

Additionally, under Construction, language is included specifying the purpose of the appropriation and providing five-year availability of the funds.

Under Federal Prison System, Salaries and Expenses, language is included making certain funds available for the First Step Act of 2018. Language also provides for the transfer to the Department of Health and Human Services funds necessary for medical relief for inmates. Language is also included that provides authority to the Director to enter into contracts to furnish health care. In addition, language is included placing a limitation on funds for reception and representation expenses. Furthermore, language is included extending the availability of certain funds. Finally, language is included providing authority for the Federal Prison System to accept donated property and services.

Also, in Building and Facilities, language is included providing for no-year availability of funds. Language is also included stating labor of prisoners may be used for work under this heading.

Additionally, under Federal Prison Industries, Incorporated, language is included authorizing Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

Furthermore, under Limitation on Administrative Expenses, Federal Prison Industries, Incorporated, language is included making available funds for its administrative expenses, and for certain services, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures that such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Under State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs, language is included making funds available until expended. Language is also included placing a limitation on funds to be made available for expenses related to evaluation, training, and technical assistance. In addition, language is included providing for specific appropriations for various programs within the Office on Violence Against Women. Furthermore, language is included making available certain unobligated balances for specified programs. The language also applies certain conditions to specified grants. It provides for certain funds to be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs.

Under Office of Justice Programs, Research, Evaluation and Statistics, language is included to provide for no-year availability of funds. Language is also included to provide for specific appropriations for various programs within the Office of Justice Programs.

Also, under State and Local Law Enforcement Assistance, language is included to provide for no-year availability of funds. Language is also included regarding an Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative, Smart Policing, Smart Prosecution, juvenile indigent defense, Convention Security, a National Missing and Unidentified Persons System, a training program to improve response for those with mental illness, the John R. Justice grant program, Capital Litigation and Wrongful Conviction Review, Prison Rape Prevention and Prosecution, Kevin and Avonte's Law, Emergency Federal Law Enforcement Assistance, managed access systems, regional law enforcement technology, Community Based Violence Prevention, family friendly visitation spaces in correctional facilities, Public Safety Innovation

Grants, Law Enforcement Training, grants to improve reporting on the use of force, hit rates data collection demonstration grants, police report in jurisdictions responding to litigation, and the application of certain sections and special rules. In addition, language is included regarding Federal immigration and other detainees housed in State and local detention facilities. Language is included for an immigration legal aid pilot. Furthermore, language is included regarding local government use of funds to increase the number of law enforcement officers. Language is also included regarding DNA training and education for law enforcement, correctional personnel, and court officers. There is further language regarding certain time limitations under the Second Chance Act. Furthermore, language is included waiving a provision of law that terminated the COPS Hiring Program after September 2000. Language is also included regarding smart policing, smart prosecution, tribal law enforcement, regional information sharing activities, and certain police training. Additional language is included regarding pattern and practice investigations, independent prosecution of law enforcement, community-based improvement of law enforcement and pilot programs to improve management and address police misconduct. The language also provides for certain funds to be transferred to "Research, Evaluation and Statistics". The included language specifies appropriations for various programs within the Office of Justice Programs.

In addition, under Juvenile Justice Programs, language is included providing for no-year availability of funds. Language is also included waiving a provision of law with respect to funding for missing and exploited children programs. Finally, the language delineates certain amounts for various programs under this heading.

Furthermore, under Public Safety Officer Benefits, language is included providing for no-year availability of funds. Language is also included providing for the transfers of funds in emergent circumstances, which shall be subject to the provisions of section 505 of this Act.

Within the COPS Hiring program, language is included regarding the Tribal Resources grant program, Tribal Access Program, Community Policing, the Regional Information Sharing System, Civilian Review Boards and Law Enforcement Mental Health and Wellness Act. In addition, the language includes Police Act grants, Anti-Methamphetamine and Anti-Heroin Task Forces as well as grants under the STOP School Violence Act.

Under Department of Justice, General Provisions, the following general provisions that fall within the rule are recommended:

Section 201 prohibits the use of funds to pay for an abortion, except in the case of incest, rape or to preserve the life of the mother.

Section 202 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 203 establishes that the Director of the Bureau of Prisons (BOP) is obliged to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 204 prohibits the use of certain funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.

Section 205 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

Section 206 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 207 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 208 prohibits funding from being used for certain public-private competitions.

Section 209 prohibits U.S. Attorneys from holding dual or additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 210 permits up to 2 percent of grant and reimbursement program funds made available to OJP to be used for training and technical assistance, and up to 2 percent of grant or reimbursement funds made available to that office to be used for criminal justice research, evaluation and statistics.

Section 211 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, tribal and local reentry courts; and drug treatment programs.

Section 212 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 213 prohibits funds, other than funds for the National Instant Criminal Background Check System established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 214 places limitations on the obligation of funds from certain Department of Justice accounts and funding sources.

Section 215 provides authority to use certain grant funding for Performance Partnership Pilots.

Section 216 increases the threshold for balances in the United States Trustee System Fund.

Section 217 prohibits the use of case closure metrics for immigration judge performance evaluations.

Section 218 amends Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, to enable United States Marshals Service employees to be eligible for danger pay in certain circumstances.

Section 219 prohibits funds made available under this Act for the Edward Byrne Memorial Justice Assistance Grant program or Community Oriented Policing Services from being used unless the Attorney General certifies that the State or unit of local government (1) maintains adequate policies and procedures designed to eliminate racial profiling in law enforcement, and has eliminated any existing practices that permit or encourage racial profiling in law enforcement; (2) requires each law enforcement officer in the

State or unit of local government to complete training programs on racial profiling, implicit bias, de-escalation use of force and a duty to intervene in cases where another law enforcement officer is using excessive force against a civilian, and procedural justice; (3) has in effect a law that prohibits law enforcement officers in the State or other jurisdiction from using a chokehold or carotid hold; (4) has in effect a law that prohibits law enforcement officers in the State or other jurisdiction from using less lethal force; (5) has in effect a law that prohibits law enforcement officers in the State or other jurisdiction from using deadly force, (6) has in effect a law that prohibits the issuance of a “no-knock warrant” in a drug case; (7) has provided the United States Attorney General a law enforcement practice report that includes information on the race, ethnicity, age, and gender of the officers and employees of the law enforcement agency and of members of the public involved in, (A) traffic violation stops, (B) pedestrian stops, (C) frisk and body searches, (D) instances where officers or employees of the law enforcement agency used deadly force; and (8) will not make such funds available to a law enforcement agency that has entered into or renewed any contractual arrangement, including a collective bargaining agreement with a labor organization, that (A) would prevent the Attorney General from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in a pattern or practice of unconstitutional misconduct or, (B) conflicts with any terms or conditions contained in a consent decree.

Section 220 establishes a National Task Force on Law Enforcement Oversight.

Section 221 prohibits Department of Justice funding from being made available to any law enforcement agency of any State, unit of local government, or Federally recognized Tribal government unless the Attorney General has certified that such agency has begun or completed the process of receiving accreditation from a law enforcement accreditation organization approved by the Attorney General.

Section 222 prohibits the awarding of funds under the Byrne JAG or COPS programs unless the United States Attorney General certifies that the recipient State or unit of local government has in effect a law prohibiting sexual activity while acting under color of law.

In title III, Science, under Office of Science and Technology Policy, language is included providing that certain funds be available for reception and representation expenses, and rental of conference rooms.

Under National Space Council, language is included providing that certain funds be available for reception and representation expenses.

Under National Aeronautics and Space Administration, Science, language is included providing for the two-year availability of funds. Language is also included regarding a limitation on formulation and development costs of a certain program with an associated notification requirement and language is also included concerning a planetary science mission.

Also, under Aeronautics, language is included providing for the two-year availability of funds.

In addition, under Space Technology, language is included providing for the two-year availability of funds.

Under Exploration, language is included providing for the two-year availability of funds. Language is also included that delineates amounts for program components. Language is also included describing certain reports and requiring the inclusion of estimates in future budget requests.

In Space Operations, language is included providing for the two-year availability of funds.

Additionally, under Science, Technology, Engineering, and Mathematics Engagement, language is included providing for the multi-year availability of funds. Language is also included delineating amounts for program components.

Under Safety, Security and Mission Services, language is included providing for the two-year availability of funds. Language is also included to limit official reception and representation expenses.

Under Construction and Environmental Compliance and Restoration, language is included providing for the multi-year availability of funds. Language is also included restricting receipts and expenditures made pursuant to enhanced use lease arrangements and requiring the inclusion of estimates in future budget requests.

Under Office of Inspector General, language is included providing for the two-year availability of certain funds.

In the Administrative Provisions, language is included regarding: availability of funds for announced prizes; limitations on transfers of funds among NASA accounts; the submission of a spending plan; and language limiting obligation of certain funds pending submission of certain reports.

Under National Science Foundation, Research and Related Activities, language is included that provides for the multi-year availability of funds. Language is also included that governs funding availability for polar research and operation support. In addition, language is included providing that certain receipts may be credited to this appropriation.

Also, under Major Research Equipment and Facilities Construction, language is included providing for no-year availability of funds.

In addition, under Education and Human Resources, language is included providing for the multi-year availability of funds.

Furthermore, under Agency Operations and Award Management, language is included regarding contracts for maintenance and operation of facilities and other services. Language is also included limiting representation expenses.

Under Office of the National Science Board, language is included limiting funds for official reception and representation.

Under Office of Inspector General, language is included providing for the multi-year availability of certain funds.

Under Administrative Provision, language is included regarding transfers of funds. Also, language is included requiring the Director to submit notification of certain activities 30 days in advance.

In title IV, Related Agencies, under Commission on Civil Rights, Salaries and Expenses, language is included prohibiting expenses to employ in excess of a specific level of full-time individuals or to reimburse Commissioners for certain billable days. Language is

also included prohibiting certain unauthorized activities. Finally, language is included authorizing the Chair to accept donations or gifts to carry out the work of the Commission.

Under Equal Employment Opportunity Commission, Salaries and Expenses, language is included designating an amount for payments to State and local enforcement agencies. Language is also included limiting funds for official reception and representation expenses. Finally, language is included authorizing the Chair to accept donations or gifts to carry out the work of the Commission.

Under International Trade Commission, Salaries and Expenses, language is included limiting funds for official reception and representation expenses. Language is also included providing for no-year availability of funds.

Under Legal Services Corporation, Payment to the Legal Services Corporation, language is included regarding pay for officers and employees. Language is also included delineating amounts for specific programs and regarding authorities to transfer funds. In addition, language is included designating the Legal Services Corporation as an agency of the Federal Government for the purposes of reprogramming.

Under Administrative Provision, Legal Services Corporation, language is included that prohibits the use of funds for certain activities.

Under Office of the United States Trade Representative, Salaries and Expenses, language is included providing for the no-year availability of some funds. Language is also included limiting funds for official reception and representation expenses.

Also, under Trade Enforcement Trust Fund, language is included regarding certain notifications.

Under State Justice Institute, Salaries and Expenses, language is included limiting funds for reception and representation expenses. Language is also included providing for multi-year availability of certain funds. In addition, language is included designating the State Justice Institute as an agency of the Federal Government for the purposes of reprogramming.

In title V, General Provisions, the following general provisions that fall within the rule are recommended:

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly authorized.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under existing Executive order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any

means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects, or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced, or assembled in the United States or its territories or possessions.

Section 507 requires quarterly reporting on the status of balances of appropriations.

Section 508 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in this Act, or, for the Department of Commerce, from actions taken for the care and protection of loan collateral or grant property, shall be absorbed within the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 509 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions that are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 510 limits the obligation of receipts deposited into the Crime Victims Fund to \$2,650,000,000 during fiscal year 2021, and provides for a transfer of \$10,000,000 to the Department of Justice, Office of Inspector General for oversight and auditing of the fund. It also provides for a tribal set-aside.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 512 prohibits the transfer of funds made available in this Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 513 requires certain timetables of audits performed by Inspectors General of the Departments of Commerce and Justice,



the National Aeronautics and Space Administration, the National Science Foundation and the Legal Services Corporation and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 514 prohibits funds for acquisition of certain information systems unless the acquiring department or agency has reviewed and assessed certain risks. Any acquisition of such an information system is contingent upon the development of a risk mitigation strategy and a determination that the acquisition is in the national interest. Each department or agency covered by this section shall consult with the Federal Bureau of Investigation (FBI) and other relevant agencies when reviewing supply chain risks and making a determination that the acquisition is in the national interest. Each department or agency covered by this section is directed to ensure it is following the criteria established by the FBI and the National Institute of Standards and Technology when acquiring or renewing certain information systems. Each department or agency covered under this section shall submit a quarterly report to the Committees on Appropriations of the House and Senate describing reviews and assessments of risk made pursuant to this section and any associated findings or determinations.

Section 515 prohibits the use of funds made available in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 516 prohibits the use of funds made available in this Act to include certain language in trade agreements.

Section 517 prohibits the use of funds made available in this Act to authorize or issue a national security letter (NSL) in contravention of certain laws authorizing the FBI to issue NSLs.

Section 518 requires congressional notification regarding any project within the Departments of Commerce or Justice, the National Science Foundation or the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of 10 percent or more.

Section 519 deems funds for intelligence or intelligence related activities as authorized by Congress during fiscal year 2021 until the enactment of the Intelligence Authorization Act for fiscal year 2021.

Section 520 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment.

Section 521 provides for rescissions of unobligated balances from the Departments of Commerce and Justice.

Section 522 prohibits the use of funds made available in this Act for the purchase of first class or premium air travel in contravention of certain Federal regulations.

Section 523 prohibits the use of funds made available in this Act to pay for the attendance of more than 50 department or agency employees, who are stationed in the United States, at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 524 requires tracking and reporting of undisbursed balances in expired grant accounts.

Section 525 requires, when practicable, the use of funds in this Act to purchase light bulbs that have the “Energy Star” or “Federal Energy Management Program” designation.

Section 526 prohibits the use of funds made available in this Act by the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP) or the National Space Council (NSC) to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA, OSTP or NSC after consultation with the Federal Bureau of Investigation have made a certification pursuant to subsections (c) and (d) of this section.

Section 527 prohibits the use of funds made available in this Act to establish or maintain a computer network that does not block pornography, except for law enforcement or victim assistance purposes.

Section 528 requires each department and agency funded in the bill to submit spending plans.

Section 529 prohibits the use of funds to pay for unsatisfactory contractor performance.

Section 530 prohibits the use of funds by the Department of Justice or the Drug Enforcement Administration in contravention of a certain section of the Agricultural Act of 2014.

Section 531 prohibits the Department of Justice from preventing certain States or territories from implementing their laws regarding the use of medical marijuana.

Section 532 requires quarterly reports from the Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation on official travel to China.

Section 533 requires not less than 10 percent of the funds provided for certain programs be provided to persistent poverty counties.

Section 534 makes a clarification regarding the formulation and development costs for the James Webb Space Telescope.

Section 535 prohibits funds to be used by the Bureau of the Census in contravention of existing law.

Section 536 prohibits funds to move a Bureau of Alcohol, Tobacco, Firearms and Explosives facility.

Section 537 prohibits funds from being used for the development of data products in connection with the 2020 Decennial Census that do not meet specific requirements.

Section 538 prohibits funding to implement a November 2018 Attorney General Memorandum entitled “Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities”.

Section 539 prohibits funds to carry out or support law enforcement actions taken to support or control a crowd or public demonstration unless certain clearly visible law enforcement identification is worn.

Section 540 prohibits funds for the salaries and expenses of more than five political and presidential appointees in the Bureau of the Census.

Section 541 prohibits funds to pay for Attorney General travel more than 50 miles from the Robert F. Kennedy Department of Justice Building in the District of Columbia.

Section 542 amends section 510 of division B of Public Law 116-93.

#### APPROPRIATIONS NOT AUTHORIZED BY LAW

The Committee, in a number of instances, has found it necessary to recommend funding for ongoing activities and programs for which authorizations have not been enacted to date. Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill that are not authorized by law for the period concerned:

#### UNAUTHORIZED APPROPRIATIONS

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Department of Commerce:				
International Trade Administration:				
Operations and Administration:				
Export Promotion Activities .....	1996	such sums	264,885	*
Bureau of Industry and Security:				
Operations and Administration .....				
.....	1994	such sums	34,747	137,664
Economic Development Administration:				
Salaries and Expenses .....				
.....	2008	Such sums	30,832	42,000
Economic Development Assistance Programs .....				
.....		Various		314,000
Public Works and Economic Development Act Programs				
.....	2008	500,000	349,100	*
Minority Business Development Agency:				
Minority Business Development .....				
.....	n/a	n/a	n/a	52,000
Economics and Statistics Administration:				
Salaries and Expenses .....				
.....	n/a	n/a	n/a	111,855
National Telecommunications and Information Administration:				
Salaries and Expenses .....				
.....	1993	17,900	18,493	45,500
National Institute of Standards and Technology:				
Scientific and Technical Research and Services .....				
.....	2013	676,700	609,514	789,000
Industrial technology services .....				
.....	2013	241,709	140,316	170,000
Manufacturing extension partnerships .....				
.....	2013	(165,100)	(126,088)	(153,000)
Construction of research facilities ..				
.....	2013	121,300	58,874	85,000
National Oceanic and Atmospheric Administration:				
Operations, Research and Facilities:				
National Ocean Service .....				
.....	1993	121,183	150,864	625,406
Integrated Ocean Observing System Regional Observations ...				
.....	2013	Such sums	(334,932)	(40,500)
Coastal Science, Assessment, Response and Restoration .....				
.....		Various		(88,500)
Competitive External Research .....				
.....		Various		(22,000)
Coastal Zone Management and Services ....				
.....	n/a	n/a	n/a	(47,700)
Coastal Zone Management Grants .....				
.....	1999	(50,500)	(52,700)	(78,000)
Title IX Fund .....				
.....	2019	such sums	(30,000)	(36,000)

## UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Coral Reef Program .....	2004	(16,000)	(26,100)	(34,000)
Sanctuaries and Marine Protected Areas .....	2005	(40,000)	(58,750)	(58,000)
National Estuarine Research Reserve System .....	1999	(4,600)	(4,300)	(28,250)
National Marine Fisheries Services:				967,586
Marine Mammals, Sea Turtles and Other Species .....				(127,905)
Species Recoveries Grants .....	1992	†	††	(7,000)
Atlantic Salmon .....	1992	†	†	(6,500)
Pacific Salmon .....	1992	†	†	(67,250)
Fisheries and Ecosystem Science Programs and Services .....		Various		(150,018)
Fisheries Data Collections, Surveys and Assessments .....		Various		(173,709)
Observers and Training .....		Various		(50,000)
Fisheries Management Programs and Services .....		Various		(124,500)
Salmon Management Activities .....		Various		(59,643)
Regional Councils and Fisheries Commissions .....		Various		(46,446)
Interjurisdictional Fisheries Grants .....	2012	3,400	1,157	(3,365)
Enforcement .....		Various		(77,000)
Habitat Conservation and Restoration .....		Various		(59,000)
Oceanic and Atmospheric Research .....	1993	1,589,081	202,172	††
Climate Laboratories and Cooperative Institutes .....	1993	(109,877)	(79,948)	(78,000)
Regional Climate Data and Information .....		Various		(43,000)
Climate Competitive Research .....	n/a	n/a	n/a	(69,000)
Ocean and Coastal Laboratories and Cooperative Institutes .....		Various		(37,000)
National Sea Grant College Program .....	2014	†	(62,800)	(71,000)
Marine Aquaculture Program .....	2014	†	(4,500)	(13,000)
Ocean Exploration and Research .....	2015	(59,436)	(28,000)	(42,742)
Integrated Ocean Acidification .....	2012	(20,000)	(6,359)	(16,000)
Sustained Ocean Observations and Monitoring .....	n/a	n/a	n/a	(46,000)
High Performance Computing Initiatives .....	1996	(4,500)	(6,500)	(17,800)
National Weather Service:	1993	395,822	†	†
Observations .....		Various		(241,000)
Central Processing .....	1993	j	j	(102,538)
Analyze, Forecast and Support .....		Various		(538,000)

## UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Dissemination .....	1993	f	f	(79,112)
Science and Technology Integration .....		Various		(151,423)
National Environmental Satellite, Data and Information Service:				285,606
Office of Satellite and Production Operations	1993	†	†	(189,099)
Product Development, Readiness and Application .....	1993	†	†	(28,907)
Commercial Remote Sensing Regulatory Affairs .....	n/a	n/a	n/a	(1,800)
Office of Space Commerce .....	n/a	n/a	n/a	(1,800)
Group on Earth Observations .....	1993	n/a	n/a	(500)
National Centers for Environmental Information .....	1993	39,596	32,646	(63,500)
Mission Support:				
Mission Support Services	1993	75,750	71,433	270,954
NOAA Office of Education	n/a	n/a	n/a	33,500
Office of Marine and Aviation Operations:				
Marine Operations and Maintenance .....	1993	68,518	61,222	174,000
Aviation Operations .....	1993	10,336	9,872	29,466
Unmanned Systems Operations .....	n/a	n/a	n/a	10,665
Procurement, Acquisition and Construction:				
National Ocean Service:				
National Estuarine Research Reserve Construction .....	n/a	n/a	n/a	2,000
Marine Sanctuaries Construction .....	2005	6,000	10,000	4,000
Office of Oceanic and Atmospheric Research:				
Research Supercomputing/CCRI .....	n/a	n/a	n/a	42,000
National Weather Service:				
Observations .....	1993	†	84,516	15,745
Central Processing .....	n/a	n/a	n/a	66,761
Dissemination .....	n/a	n/a	n/a	9,934
Weather Forecast Office Construction .....	n/a	n/a	n/a	15,000
National Environmental Satellite, Data and Information Service:				
GOES R .....	n/a	n/a	n/a	334,500
Space Weather Follow-on	n/a	n/a	n/a	108,115
Polar Weather Satellites	n/a	n/a	n/a	657,835
CDARS .....	1993	2,300	n/a	14,400
Low Earth Orbit .....	n/a	n/a	n/a	33,202
Geostationary Earth Orbit System Architecture and Advanced Planning ....	n/a	n/a	n/a	44,822
Satellite CDA Facility .....	n/a	n/a	n/a	2,450
Mission Support:				
NOAA Construction .....	1993	94,500	64,500	50,000

## UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Office of Marine and Aviation Operations:				
Fleet Capital Improvements and Technology Infusion .....	n/a	n/a	n/a	27,500
Pacific Coastal Salmon Recovery .....	2009	90,000	80,000	65,000
Fishermen's Contingency Fund .....	n/a	n/a	n/a	349
Fisheries Disaster Assistance .....	2013	such sums	5,000	300
Fisheries Finance Program Account .....	n/a	n/a	n/a	-8,000
Departmental Management:				
Salaries and Expenses .....	n/a	n/a	n/a	73,080
Renovation and Modernization .....	n/a	n/a	n/a	1,123
Office of Inspector General .....	n/a	n/a	n/a	35,520
Department of Justice:				
General Administration:				
Salaries and Expenses .....	2009	181,561	105,805	120,041
Justice Information Sharing Technology .....	2009	204,152	80,000	33,875
Executive Office for Immigration Review .....	2009	n/a	n/a	734,000
Office of Inspector General .....	2009	81,922	80,681	113,985
United States Parole Commission:				
Salaries and Expenses .....	2009	12,711	12,570	13,539
Legal Activities:				
Salaries and Expenses, General Legal Activities .....	2009	764,526	805,655	969,211
Salaries and Expenses, Antitrust Division .....	2009	162,488	157,788	180,274
Salaries and Expenses, United States Attorneys .....	2009	1,829,194	1,851,336	2,347,177
Salaries and Expenses, Foreign Claims Settlement Commission ..	2009	1,429	1,823	2,366
Fee and Expenses of Witnesses .....	2009	203,755	168,300	270,000
Salaries and Expenses, Community Relations Service .....	2009	10,977	9,873	20,300
Assets Forfeiture Fund (discretionary) .....	2009	22,000	20,990	20,514
United States Marshals Service .....	2009	900,178	954,000	3,366,645
Salaries and Expenses .....		\$	(960,000)	(1,484,184)
Construction .....		\$	(4,000)	(15,000)
Federal Prison Detention .....	2009	1,858,509	1,355,319	(1,867,461)
National Security Division:				
Salaries and Expenses .....	n/a	n/a	n/a	114,837
Interagency Law Enforcement:				
Interagency Crime and Drug Enforcement .....	2009	744,593	515,000	565,000
Federal Bureau of Investigation .....	2009	6,480,608	7,301,191	9,755,243
Salaries and Expenses .....		\$	(7,182,700)	(9,703,348)
Construction .....		\$	(153,491)	(51,895)
Drug Enforcement Administration:				
Salaries and Expenses .....	2009	1,930,462	1,959,084	2,331,370
Bureau of Alcohol, Tobacco, Firearms and Explosives:				
Salaries and Expenses .....	2009	1,038,939	1,078,215	1,550,000
Construction .....	2009			5,000
Federal Prison System .....	2009	5,698,292	6,171,561	7,880,000
Salaries and Expenses .....		\$	(5,600,792)	(7,770,000)
Building and Facilities .....		\$	(575,807)	(110,000)

## UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Office on Violence Against Women:				
Violence Against Women Prevention and Prosecution Programs:				
STOP Grants .....	2018	215,000	215,000	223,000
Transitional Housing Assistance .....	2018	35,000	35,000	39,000
Research and Evaluation on Violence Against Women ....	n/a	n/a	n/a	3,500
Consolidated Youth-oriented Program .....		Various		12,000
Engaging Men and Youth in Prevention .....	n/a	n/a	n/a	††
Grants to Assist Children and Youth Exposed to Violence .....	n/a	n/a	n/a	††
Supporting Teens Through Education Program .....	2011	5,000	**	††
Services to Advocate and Respond to Youth .....	n/a	n/a	n/a	††
Grants to Encourage Arrest Policies .....	2018	53,000	53,000	53,000
Homicide Reduction Initiative .....	n/a	n/a	n/a	(4,000)
Sexual Assault Victims Services .....	2018	40,000	35,000	42,500
Rural Domestic Violence and Child Abuse Enforcement ...	2018	50,000	40,000	45,000
Violence on College Campuses .....	2018	12,000	20,000	21,000
Civil Legal Assistance .....	2018	57,000	45,000	47,500
Elder Abuse Grant Program ....	2018	9,000	5,000	6,000
Family Civil Justice .....		Various		17,500
Court Training and Improvements Program .....	2011	5,000	**	
Safe Havens Program ....	2011	5,000	**	
Education and Training for Disabled Female Victims ....	2018	9,000	6,000	6,000
National Resource Center on Workplace Responses .....	2018	1,000	500	1,000
Research on Violence Against Indian Women .....	2015	1,000	940	1,000
Indian Country- Sexual Assault Clearinghouse .....	n/a	n/a	n/a	500
Tribal Special Domestic Violence Criminal Jurisdiction .....	2018	n/a	n/a	4,300
Rape Survivor Child Custody Act .....	2019	5,000	1,500	2,200
Office on Justice Programs:				
Research Evaluation and Statistics:				
Bureau of Justice Statistics ...	1995	33,000	32,335	45,000
NCS-X Implementation Program .....	n/a	n/a	n/a	(5,000)
National Institute of Justice ...	1995	33,000	58,879	43,500
Domestic Radicalization Research .....	n/a	n/a	n/a	(6,000)
State and Local Law Enforcement Assistance:				
Byrne Memorial Justice Assistance Grants .....	2012	1,095,000	470,000	515,000
Officer Robert Wilson III VALOR Initiative .....	n/a	n/a	n/a	(12,500)
Smart Policing .....	n/a	n/a	n/a	(7,500)
Smart Prosecution .....	n/a	n/a	n/a	(8,500)

UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Juvenile Indigent Defense	n/a	n/a	n/a	(3,000)
John R. Justice Grant Program .....	2014	.....	Such sums	(3,000)
Prison Rape Prevention and Prosecution .....	2010	40,000	15,000	(15,500)
Emergency Federal Law Enforcement Assistance .....	2016	20,000	n/a	.....
Managed Access .....	n/a	n/a	n/a	(3,000)
Regional Law Enforcement Training Initiative .....	n/a	n/a	n/a	(3,000)
Family Friendly Visitation in Correctional Facilities .....	n/a	n/a	n/a	2,000
Local Task Forces on Public Safety Innovation .....	n/a	n/a	n/a	5,000
Grants to Improve Reporting on Use of Force .....	n/a	n/a	n/a	15,000
Hit Rates Data Collection Demonstration Grants .....	n/a	n/a	n/a	5,000
Police Reform in Jurisdictions Responding to Litigation .....	n/a	n/a	n/a	7,200
Law Enforcement Training .....	n/a	n/a	n/a	50,000
State Criminal Alien Assistance Program .....	2011	950,000	n/a	251,500
Adam Walsh Act Implementation .....	2009	Such sums	18,000	20,500
National Sex Offender Public Website .....	n/a	n/a	n/a	1,000
Community Teams to Reduce the Sexual Assault Kit (SAK) Backlog .....	n/a	n/a	n/a	49,000
CASA Special Advocates .....	2018	12,000	12,000	12,500
Community Trust Initiative .....	n/a	n/a	n/a	77,500
Body-won Camera Partnership .....	n/a	n/a	n/a	(27,500)
Justice Reinvestment Initiative .....	n/a	n/a	n/a	(30,000)
Immigration Representation Pilot .....	n/a	n/a	n/a	15,000
Hate Crimes Prevention Act Grants .....	2012	n/a	n/a	8,000
Grants for Pattern and Practice Investigations .....	n/a	n/a	n/a	100,000
Grants to Implement Independent Investigations of Law Enforcement .....	n/a	n/a	n/a	250,000
Community-based Organizations Aimed at Improving Law Enforcement .....	n/a	n/a	n/a	25,000
Pilot Program to Improve Management and Address Misconduct by Law Enforcement Officers .....	n/a	n/a	n/a	25,000
Juvenile Justice Programs:				
Youth Mentoring Grants .....	2007	Such sums	\$ \$	100,000



## UNAUTHORIZED APPROPRIATIONS—Continued

[In thousands of dollars]

Program	Last year of authorization	Authorization level in year of authorizations	Appropriations in last year of authorization	Appropriations in this bill
Juvenile Accountability Block Grant Missing and Exploited Children Programs	2018	Various	84,000	.....
Missing and Exploited Children grants .....	.....	*	*	*
Training for Judicial Personnel	2018	2,300	2,000	5,000
Community Oriented Policing Services:				
COPS Hiring Grants .....	2009	1,047,117	1,000,000	231,000
Regional information sharing activities .....	2003	100,000	29,000	(40,000)
Tribal Access Program ...	n/a	n/a	n/a	(3,000)
Community Policing Development/Training and Technical Assistance .....	n/a	n/a	n/a	(6,500)
Civilian Review Boards ..	n/a	n/a	n/a	4,000
POLICE Act .....	2016	Various	n/a	11,000
Anti-Methamphetamine Task Forces .....	n/a	n/a	n/a	11,000
Anti-Heroin Task Forces .....	n/a	n/a	n/a	13,000
Science:	n/a	n/a	n/a	35,000
National Aeronautics and Space Administration:				
Science .....	2017	5,500,000	5,764,900	7,097,500
Aeronautics .....	2017	640,000	660,000	819,000
Space Technology .....	2017	686,000	686,500	1,100,000
Exploration .....	2017	4,330,000	4,324,000	6,017,600
Space Operations .....	2017	5,023,000	4,950,700	4,052,200
STEM Engagement .....	2017	115,000	100,000	126,000
Safety, Security and Mission Services .....	2017	2,788,600	2,768,600	2,953,400
Construction and Environmental Compliance and Restoration.. ..	2017	388,000	360,700	419,100
Office of Inspector General .....	2017	37,400	37,900	44,200
National Science Foundation:				
Research and Related Activities .....	2013	6,637,879	5,983,280	6,967,123¶¶
Major Research Equipment and Facilities Construction .....	2013	236,764	196,170	243,230
Education and Human Resources ...	2013	1,041,762	895,610	970,000
Agency Operations and Award Management .....	2013	363,670	299,400	345,640
Office of the National Science Board .....	2013	4,906	4,440	4,500
Office of Inspector General .....	2013	15,049	14,200	17,850
Related Agencies:				
Commission on Civil Rights:				
Salaries and Expenses .....	1995	9,500	8,904	12,000
International Trade Commission:				
Salaries and Expenses .....	2004	57,240	58,925	105,000
Legal Services Corporation:				
Payment to the Legal Services Corporation .....	1980	205,000	300,000	465,000
Marine Mammal Commission:				
Salaries and Expenses .....	1999	1,750	1,240	3,769
Office of the U.S. Trade Representative:				
Salaries and Expenses .....	2004	33,108	41,552	55,000
State Justice Institute:				
Salaries and Expenses .....	2008	7,000	3,760	7,700

\*The recommendation does not provide a specific amount for this program.

†Authorization provides a single amount for activities spread across multiple NOAA Control Table lines.

††The National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115-423) authorized Weather and Air Chemistry Research Programs. Other programs are unauthorized.

int; The last time the NWS was comprehensively authorized was 1993. Though specific programs, like the Tsunami Warning and Education Program, are currently authorized the recommendation does not provide a specific amount for those programs.

¶ The authorization authorizes funding for the "Administrative Review and Appeals" account, which encompassed the activities of the Executive Office for Immigration Review and the Office of Pardon Attorney. The recommendation separates these into different accounts.

§ Authorization does not provide amounts for specific accounts within this agency.

# This was formerly the "General Administration, Detention Trustee" account.

\*\* The authorization for this program expired in FY 2011. Since the government was funded by a full-year continuing resolution, the Committee did not provide a specific appropriation for this program.

†† These programs have been combined into the Consolidated Youth-oriented Program.

§§ The authorization for this program expired in FY 2007. Since the government was funded by a full-year continuing resolution, the Committee did not provide a specific appropriation for this program.

¶¶ Within the Research and Related Activities account, funding for Dyslexia and windstorm research are authorized.

COMPARISON WITH THE BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget Act requires the report accompanying a bill providing new budget authority to contain a statement comparing the levels in the bill to the suballocations submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year.

[In millions of dollars]

	302(b) Allocations		This Bill	
	Budget Authority	Outlays	Budget Authority	Outlays
Comparison of amounts in the bill with Committee allocations to its subcommittees: Subcommittee on Commerce, Justice, Science, and Related Agencies				
Discretionary .....	71,473	74,000	71,473 <sup>1</sup>	73,414
Mandatory .....	342	340	342 <sup>1</sup>	340

<sup>1</sup> Includes outlays from prior-year budget authority.

Note.—The amounts in this report do not include \$838,000,000 in discretionary outlays from such funding that was provided by the CARES Act (Public Law 116–136). Consistent with the Congressional Budget Act of 1974, in the House of Representatives such amounts do not count against the Committee's allocation.

FIVE-YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

[In millions of dollars]

	Outlays
Projection of outlays associated with the recommendation:	
2021 .....	144,285
2022 .....	18,294
2023 .....	6,048
2024 .....	2,595
2025 and future years .....	2,773

<sup>1</sup> Excludes outlays from prior-year budget authority.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget Act of 1974, as amended, the Congressional Budget Office has provided the following estimates of new budget authority and outlays provided by the accompanying bill for financial assistance to State and local governments:

[In millions of dollars]

	Budget Authority	Outlays
Financial assistance to State and local governments for 2021 .....	204 <sup>1</sup>	643

<sup>1</sup> Excludes outlays from prior-year budget authority.

COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—

The following hearings were used to develop or consider the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021:

The Subcommittee on Commerce, Justice, Science, and Related Agencies held a budget hearing on March 4, 2020 entitled “Member Day Hearing.” The Subcommittee received testimony from:

- The Honorable Peter J. Visclosky, Member of Congress.
- The Honorable Ted Yoho, Member of Congress.
- The Honorable Danny Davis, Member of Congress.
- The Honorable French Hill, Member of Congress.
- The Honorable Ed Perlmutter, Member of Congress.
- The Honorable Jenniffer González-Colón, Member of Congress.
- The Honorable Joseph Kennedy, Member of Congress.
- The Honorable Anthony Gonzalez, Member of Congress.
- The Honorable Brad Schneider, Member of Congress.

The Subcommittee on Commerce, Justice, Science, and Related Agencies held a budget hearing on March 10, 2020, entitled “Department of Commerce Budget Request for Fiscal Year 2021.” The Subcommittee received testimony from:

- Wilbur Ross, Secretary, U.S. Department of Commerce.

PROGRAM DUPLICATION

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

The following table provides a detailed summary, for each department and agency, comparing the amounts recommended in the bill with fiscal year 2020 enacted amounts and budget estimates presented for fiscal year 2021:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENT OF COMMERCE</b>					
<b>International Trade Administration</b>					
Operations and administration.....	521,250	485,407	542,428	+21,178	+57,021
Offsetting fee collections.....	-11,000	-11,000	-11,000	---	---
Direct appropriation.....	510,250	474,407	531,428	+21,178	+57,021
<b>Bureau of Industry and Security</b>					
Operations and administration.....	87,652	96,664	96,664	+9,012	---
Defense function.....	40,000	41,000	41,000	+1,000	---
Total, Bureau of Industry and Security.....	127,652	137,664	137,664	+10,012	---
<b>Economic Development Administration</b>					
Economic Development Assistance Programs.....	292,500	---	314,000	+21,500	+314,000
Salaries and expenses.....	40,500	31,593	42,000	+1,500	+10,407
Total, Economic Development Administration.....	333,000	31,593	356,000	+23,000	+324,407
<b>Minority Business Development Agency</b>					
Minority Business Development.....	42,000	10,281	52,000	+10,000	+41,719

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Economic and Statistical Analysis</b>					
<b>Bureau of the Census</b>					
Salaries and expenses.....	107,990	111,855	111,855	+3,865	---
<b>Current Surveys and Programs.....</b>					
Periodic censuses and programs.....	274,000	279,268	288,403	+14,403	+9,135
2020 Census (H. Res. 293; HR 2021).....	4,784,319	1,392,709	1,392,709	-3,391,610	---
	2,500,000	---	---	-2,500,000	---
Subtotal.....	7,284,319	1,392,709	1,392,709	-5,891,610	---
Total, Bureau of the Census.....	7,558,319	1,671,977	1,681,112	-5,877,207	+9,135
<b>National Telecommunications and Information Administration</b>					
Salaries and expenses.....	40,441	72,203	45,500	+5,059	-26,703
<b>United States Patent and Trademark Office</b>					
Salaries and expenses, current year fee funding.....	3,450,681	3,695,295	3,695,295	+244,614	---
Offsetting fee collections.....	-3,450,681	-3,695,295	-3,695,295	-244,614	---
Total, United States Patent and Trademark Office	---	---	---	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>National Institute of Standards and Technology</b>					
Scientific and Technical Research and Services.....	754,000	652,027	789,000	+35,000	+136,973
(transfer out).....	(-9,000)	(-9,000)	(-9,000)	---	---
Industrial Technology Services.....	162,000	25,252	170,000	+8,000	+144,748
Manufacturing extension partnerships.....	(146,000)	---	(153,000)	(+7,000)	(+153,000)
National Network for Manufacturing Innovation.....	(16,000)	(25,252)	(17,000)	(+1,000)	(-8,252)
Construction of research facilities.....	118,000	40,644	85,000	-33,000	+44,356
(Legislative Proposal).....	---	294,000	---	---	-294,000
Working Capital Fund (by transfer).....	(9,000)	(9,000)	(9,000)	---	---
<b>Total, National Institute of Standards and Technology.....</b>	<b>1,034,000</b>	<b>1,011,923</b>	<b>1,044,000</b>	<b>+10,000</b>	<b>+32,077</b>
<b>National Oceanic and Atmospheric Administration</b>					
Operations, Research, and Facilities.....	3,763,939	3,165,124	3,871,659	+107,720	+706,535
(by transfer).....	(174,774)	(183,834)	(253,171)	(+78,397)	(+69,337)
Promote and Develop Fund (transfer out).....	(-174,774)	(-183,834)	(-253,171)	(-78,397)	(-69,337)
<b>Subtotal.....</b>	<b>3,763,939</b>	<b>3,165,124</b>	<b>3,871,659</b>	<b>+107,720</b>	<b>+706,535</b>
Procurement, Acquisition and Construction.....	1,530,890	1,466,669	1,524,360	-6,530	+57,691
Pacific Coastal Salmon Recovery.....	65,000	---	65,000	---	+65,000
Fishermen's Contingency Fund.....	349	349	349	---	---
Fishery Disaster Assistance.....	---	300	300	+300	---
Fisheries Finance Program Account.....	-8,000	-7,600	-7,600	+400	---
<b>Total, National Oceanic and Atmospheric Administration.....</b>	<b>5,352,178</b>	<b>4,624,842</b>	<b>5,454,068</b>	<b>+101,890</b>	<b>+829,226</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Departmental Management</b>					
Salaries and expenses.....	61,000	96,134	73,080	+12,080	-23,054
Renovation and Modernization.....	1,000	1,123	1,123	+123	---
Office of Inspector General.....	33,000	35,520	35,520	+2,520	---
Collection from the Public Safety Trust Fund.....	---	(-2,000)	(-2,000)	(-2,000)	---
Public Safety Trust Fund transfer.....	(2,000)	(2,000)	(2,000)	---	---
Department of Commerce Nonrecurring Expenses Fund.....	20,000	38,038	20,000	---	-18,038
Total, Departmental Management.....	115,000	170,815	129,723	+14,723	-41,092
=====					
Total, title I, Department of Commerce.....	15,220,830	8,317,560	9,543,350	-5,677,480	+1,225,790
(by transfer).....	185,774	194,834	264,171	+78,397	+69,337
(transfer out).....	-183,774	-194,834	-264,171	-80,397	-69,337
=====					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - DEPARTMENT OF JUSTICE</b>					
General Administration					
Salaries and expenses.....	114,740	121,769	120,041	+5,301	-1,728
Justice Information Sharing Technology.....	33,875	34,064	33,875	---	-189
Total, General Administration.....	148,615	155,833	153,916	+5,301	-1,917
Executive Office for Immigration Review.....	672,966	882,872	734,000	+61,034	-148,872
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---	---
Direct appropriation.....	668,966	878,872	730,000	+61,034	-148,872
Office of Inspector General.....	105,000	107,211	113,985	+8,985	+6,774
United States Parole Commission					
Salaries and expenses.....	13,308	13,539	13,539	+231	---
Legal Activities					
Salaries and expenses, general legal activities.....	920,000	971,429	969,211	+49,211	-2,218
Vaccine Injury Compensation Trust Fund.....	13,000	19,000	19,000	+6,000	---
Salaries and expenses, Antitrust Division.....	166,755	188,524	180,274	+13,519	-8,250
Offsetting fee collections - current year.....	-141,000	-150,000	-150,000	-9,000	---
Direct appropriation.....	25,755	38,524	30,274	+4,519	-8,250



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
Salaries and expenses, United States Attorneys.....	2,254,541	2,378,418	2,347,177	+92,636	-31,241
United States Trustee System Fund.....	227,229	234,464	232,361	+5,132	-2,103
Offsetting fee collections.....	-309,000	-318,000	-318,000	-9,000	---
Direct appropriation.....	-81,771	-83,536	-85,639	-3,868	-2,103
Salaries and expenses, Foreign Claims Settlement Commission.....	2,335	2,366	2,366	+31	---
Fees and expenses of witnesses.....	270,000	239,000	270,000	---	+31,000
Salaries and expenses, Community Relations Service....	16,000	---	20,300	+4,300	+20,300
Assets Forfeiture Fund.....	20,514	20,514	20,514	---	---
Total, Legal Activities.....	3,440,374	3,585,715	3,593,203	+152,829	+7,488
United States Marshals Service					
Salaries and expenses.....	1,430,000	1,608,073	1,484,184	+54,184	-123,889
Construction.....	15,000	15,000	15,000	---	---
Federal Prisoner Detention.....	1,867,461	2,046,609	1,867,461	---	-179,148
Total, United States Marshals Service.....	3,312,461	3,669,682	3,366,645	+54,184	-303,037

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
National Security Division					
Salaries and expenses.....	110,000	117,451	114,837	+4,837	-2,614
Interagency Law Enforcement					
Interagency Crime and Drug Enforcement.....	550,458	585,145	565,000	+14,542	-20,145
Federal Bureau of Investigation					
Salaries and expenses.....	3,841,128	3,955,100	3,936,648	+95,520	-18,452
Counterintelligence and national security.....	5,626,774	5,793,729	5,766,700	+139,926	-27,029
Subtotal, Salaries and expenses.....	9,467,902	9,748,829	9,703,348	+235,446	-45,481
Construction.....	485,000	51,895	51,895	-433,105	---
Total, Federal Bureau of Investigation.....	9,952,902	9,800,724	9,755,243	-197,659	-45,481
Drug Enforcement Administration					
Salaries and expenses.....	2,722,295	2,859,304	2,791,869	+69,574	-67,435
Diversion control fund.....	-443,142	-460,499	-460,499	-17,357	---
Total, Drug Enforcement Administration.....	2,279,153	2,398,805	2,331,370	+52,217	-67,435
High Intensity Drug Trafficking Areas Program.....	---	254,000	---	---	-254,000
-----					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses.....	1,400,000	1,637,574	1,550,000	+150,000	-87,574
Construction.....	---	28,685	5,000	+5,000	-23,685
Total, Bureau of Alcohol, Tobacco, Firearms and Explosives.....	1,400,000	1,666,259	1,555,000	+155,000	-111,259
Federal Prison System					
Salaries and expenses.....	7,470,000	7,611,126	7,770,000	+300,000	+158,874
Buildings and facilities.....	308,000	99,453	110,000	-198,000	+10,547
Limitation on administrative expenses, Federal Prison Industries, Incorporated.....	2,700	2,700	2,700	---	---
Total, Federal Prison System.....	7,780,700	7,713,279	7,882,700	+102,000	+169,421
State and Local Law Enforcement Activities					
Office on Violence Against Women: Prevention and prosecution programs.....	---	---	---	---	---
(by transfer).....	(435,000)	---	(435,000)	---	(+435,000)
Crime Victims Fund (transfer out).....	(-435,000)	---	(-435,000)	---	(-435,000)
Violence Against Women Prevention & Prosecution Programs.....	67,500	---	90,000	+22,500	+90,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Office of Justice Programs:</b>					
Research, evaluation and statistics.....	79,000	86,500	88,500	+9,500	+2,000
State and local law enforcement assistance.....	1,892,000	1,511,200	2,402,000	+510,000	+890,800
Juvenile justice programs.....	320,000	227,500	337,000	+17,000	+109,500
<b>Public safety officer benefits:</b>					
Death benefits.....	117,000	119,000	119,000	+2,000	---
Disability and education benefits.....	24,800	24,800	24,800	---	---
Subtotal.....	141,800	143,800	143,800	+2,000	---
Total, Office of Justice Programs.....	2,432,800	1,969,000	2,971,300	+538,500	+1,002,300
<b>Community Oriented Policing Services:</b>					
COPS programs.....	343,000	---	343,000	---	+343,000
Total, State and Local Law Enforcement Activities.....	2,843,300	1,969,000	3,404,300	+561,000	+1,435,300
Total, title II, Department of Justice.....	32,605,237	32,915,515	33,579,738	+974,501	+664,223

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - SCIENCE					
Office of Science and Technology Policy.....	5,544	5,000	5,544	---	+544
National Space Council.....	1,965	1,965	1,965	---	---
National Aeronautics and Space Administration					
Science.....	7,138,900	6,306,500	7,097,500	-41,400	+791,000
Aeronautics.....	783,900	819,000	819,000	+35,100	---
Space Technology.....	1,100,000	1,578,300	1,100,000	---	-478,300
Exploration.....	6,017,600	8,761,700	6,017,600	---	-2,744,100
Space Operations.....	4,140,200	4,187,300	4,052,200	-88,000	-135,100
Science, Technology Engineering, and Mathematics Engagement.....	120,000	---	126,000	+6,000	+126,000
Safety, Security and Mission Services.....	2,913,300	3,009,900	2,953,400	+40,100	-56,500
Construction and environmental compliance and restoration.....	373,400	539,085	419,100	+45,700	-119,985
Office of Inspector General.....	41,700	44,200	44,200	+2,500	---
Total, National Aeronautics and Space Administration.....	22,629,000	25,245,985	22,629,000	---	-2,616,985
National Science Foundation					
Research and related activities.....	6,666,200	6,142,020	6,896,123	+229,923	+754,103
Defense function.....	71,000	71,000	71,000	---	---
Subtotal.....	6,737,200	6,213,020	6,967,123	+229,923	+754,103

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
Major Research Equipment and Facilities Construction...	243,230	229,750	243,230	---	+13,480
Education and Human Resources.....	940,000	930,930	970,000	+30,000	+39,070
Agency Operations and Award Management.....	336,900	345,640	345,640	+8,740	---
Office of the National Science Board.....	4,500	4,210	4,500	---	+290
Office of Inspector General.....	16,500	17,850	17,850	+1,350	---
Total, National Science Foundation.....	8,278,330	7,741,400	8,548,343	+270,013	+806,943
Total, Title III, Science.....	30,914,839	32,994,350	31,184,852	+270,013	-1,809,498

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
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(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RELATED AGENCIES					
Commission on Civil Rights					
Salaries and expenses.....	10,500	10,065	12,000	+1,500	+1,935
Equal Employment Opportunity Commission					
Salaries and expenses.....	389,500	362,481	408,700	+19,200	+46,219
International Trade Commission					
Salaries and expenses.....	99,400	99,600	105,000	+5,600	+5,400
Legal Services Corporation					
Payment to the Legal Services Corporation.....	440,000	18,200	465,000	+25,000	+446,800
Marine Mammal Commission					
Salaries and expenses.....	3,616	2,449	3,769	+153	+1,320

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
 (Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Office of the U.S. Trade Representative</b>					
Salaries and expenses.....	54,000	60,000	55,000	+1,000	-5,000
Trade Enforcement Trust Fund.....	15,000	13,000	15,000	---	+2,000
State Justice Institute					
Salaries and expenses.....	6,555	8,000	7,700	+1,145	-300
<b>Total, title IV, Related Agencies.....</b>	<b>1,018,571</b>	<b>573,795</b>	<b>1,072,169</b>	<b>+53,598</b>	<b>+498,374</b>



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
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(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE V - GENERAL PROVISIONS</b>					
Crime Victims Fund (transfer out) (Sec. 510).....	(-10,000)	---	(-10,000)	---	(-10,000)
Department of Justice OIG (by transfer).....	(10,000)	---	(10,000)	---	(+10,000)
DOC National Institute of Standards and Technology, Industrial Technology Services (rescission).....	---	-20,000	---	---	+20,000
Economic Development Assistance Programs (rescission). NOAA, Fisheries, Enforcement Asset Forfeiture Funds (rescission).....	-17,000	-38,000	---	+17,000	+38,000
Periodic Censuses and Programs (rescission).....	-5,000	---	-10,000	-5,000	-10,000
DOJ, Working Capital Fund (rescission).....	-107,000	-88,600	---	+32,000	+88,600
DOJ, Fees and Expenses of Witnesses (rescission).....	---	-75,000	-75,000	---	---
FBI, Salaries and Expenses: nondefense (rescission).....	-29,200	-32,456	---	+29,200	+32,456
defense (rescission).....	-42,774	-47,544	---	+42,774	+47,544
FBI, Construction (rescission).....	---	-150,000	---	---	+150,000
Federal Prison System, Buildings and Facilities (rescission).....	---	-505,000	---	---	+505,000
Violence against women prevention and prosecution programs (rescission).....	---	-10,000	---	---	+10,000
Office of Justice programs (rescission).....	-70,000	-85,000	-70,000	---	+15,000
COPS (rescission).....	-13,000	---	-15,000	-2,000	-15,000
NASA Science (rescission).....	-70,000	---	---	+70,000	---
DEA, salaries & expenses (rescission).....	-10,000	---	---	+10,000	---
<b>Total, title V, General Provisions.....</b>	<b>-363,974</b>	<b>-1,051,600</b>	<b>-170,000</b>	<b>+193,974</b>	<b>+881,600</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
OTHER APPROPRIATIONS					
USMCA SUPPLEMENTAL APPROPRIATIONS ACT, 2019 (P.L. 116-113)					
National Oceanic and Atmospheric Administration	16,000	---	---	-16,000	---
Operations, Research and Facilities (emergency).....					
Office of the U.S. Trade Representative					
Salaries and expenses (emergency).....	50,000	---	---	-50,000	---
Trade Enforcement Trust Fund (emergency).....	40,000	---	---	-40,000	---
Total, Office of the U.S. Trade Representative..	90,000	---	---	-90,000	---
-----					
Total, USMCA Supplemental Appropriations Act, 2019.....	106,000	---	---	-106,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
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	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS (P. L. 116-136 DIV B)					
DEPARTMENT OF COMMERCE					
ECONOMIC DEVELOPMENT ADMINISTRATION					
Economic Development Assistance Programs (emergency) ..	1,500,000	---	---	-1,500,000	---
(transfer out) (emergency).....	(-33,000)	---	---	(+33,000)	---
Salaries and Expenses (by transfer) (emergency).....	(33,000)	---	---	(-33,000)	---
National Institute of Standards and Technology					
Scientific and Technical Research and Services					
(emergency).....	6,000	---	---	-6,000	---
Industrial Technology Services (emergency).....	60,000	---	---	-60,000	---
Manufacturing Extension Partnership (emergency)...	(50,000)	---	---	(-50,000)	---
National Network for Manufacturing Innovation					
(emergency).....	(10,000)	---	---	(-10,000)	---
Total, National Institute of Standards and Technology.....	66,000	---	---	-66,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
National Oceanic and Atmospheric Administration					
Operations, Research, and Facilities (emergency).....	20,000	---	---	-20,000	---
Fisheries Disaster Assistance (emergency).....	300,000	---	---	-300,000	---
-----					
Total, National Oceanic and Atmospheric Administration.....	320,000	---	---	-320,000	---
Departmental Management					
Office of Inspector General (by transfer) (emergency).....	(3,000)	---	---	(-3,000)	---
-----					
Total, Department of Commerce.....	1,886,000	---	---	-1,886,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>DEPARTMENT OF JUSTICE</b>					
General Administration					
Justice Information Sharing Technology (emergency).....	2,000	---	---	-2,000	---
Office of Inspector General (emergency).....	2,000	---	---	-2,000	---
Total, General Administration.....	4,000	---	---	-4,000	---
Office of United States Attorneys					
Salaries and Expenses (emergency).....	3,000	---	---	-3,000	---
United States Marshals Service					
Salaries and Expenses (emergency).....	15,000	---	---	-15,000	---
Federal Bureau of Investigation					
Salaries and Expenses (emergency).....	8,000	---	---	-8,000	---
Defense (emergency).....	12,000	---	---	-12,000	---
Drug Enforcement Administration					
Salaries and Expenses (emergency).....	15,000	---	---	-15,000	---
Federal Prison System					
Salaries and Expenses (emergency).....	100,000	---	---	-100,000	---
Office of Justice Programs					
State and Local Law Enforcement Assistance (emergency).....	850,000	---	---	-850,000	---
Total, Department of Justice.....	1,007,000	---	---	-1,007,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Aeronautics and Space Administration					
Safety, Security, and Mission Services (emergency).....	60,000	---	---	-60,000	---
National Science Foundation					
Research and Related Activities (emergency).....	75,000	---	---	-75,000	---
Agency Operations and Award Management (emergency).....	1,000	---	---	-1,000	---
Total, National Science Foundation.....	76,000	---	---	-76,000	---
Legal Services Corporation					
Payment to the Legal Services Corporation (emergency).	50,000	---	---	-50,000	---
Total, Emergency Appropriations for Coronavirus Health Response and Agency Operations.....	3,079,000	---	---	-3,079,000	---
Total, Other Appropriations.....	3,185,000	---	---	-3,185,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2020  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2021  
(Amounts in thousands)

	FY 2020 Enacted	FY 2021 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grand total.....	82,580,503	73,749,620	75,210,109	-7,370,394	+1,460,489
Appropriations.....	(77,259,477)	(74,801,220)	(75,380,109)	(-1,879,368)	(+578,889)
Rescissions.....	(-363,974)	(-1,051,600)	(-170,000)	(+193,974)	(+881,600)
Emergency appropriations.....	(3,185,000)	---	---	(-3,185,000)	---
Census Cap Adjustment.....	(2,500,000)	---	---	(-2,500,000)	---
(by transfer).....	666,774	194,834	709,171	+42,397	+514,337
(transfer out).....	-661,774	-194,834	-709,171	-47,397	-514,337
PTO pre-funding payments (Health benefits fund)...	-94,000	-99,000	-99,000	-5,000	---
Crime Victims Fund (Sec. 510).....	-5,737,000	---	-3,249,000	+2,488,000	-3,249,000
Independent counsel.....	2,000	---	---	-2,000	---
Medicare-eligible retiree health fund					
contributions, NOAA.....	1,497	1,591	1,591	+94	---

## MINORITY VIEWS

We appreciate the efforts of the Majority in producing a Commerce, Justice, Science and Related Agencies (CJS) Appropriations bill that addresses many priorities of Members on both sides of the aisle. We also want to thank Chairman Serrano and his staff for their diligent efforts to incorporate many of our Members' proposed modifications into his Manager's Amendment.

We are pleased that the bill provides no less than \$400,000,000 for the Block IB version of the Space Launch System and continues strong funding for deep space exploration technologies, such as nuclear thermal propulsion. We also appreciate the strong support for the agencies that ensure compliance with our trade laws and agreements, as well as funding for the Commerce Department's recently created Aluminum Import Monitoring and Analysis system.

In addition to these key priorities, the bill addresses issues impacting all of our communities. It increases funding for drug court programs and other vital initiatives that address the opioid epidemic, as well as DNA programs that are helping to analyze the backlog of sexual assault evidence and solve cold cases.

Still, we have many unaddressed concerns with this bill. The bill makes new investments in science, but only selectively. The flat funding for NASA reveals a deliberate effort to undercut our path toward renewed American space dominance, and it imperils the goal of landing on the moon in 2024. Specifically, the bill fails to provide adequate funding for an essential component of NASA's Artemis program: the human landing systems on which the first woman will travel to the surface of the moon. It also fails to provide adequate resources for critical ground infrastructure in support of the Artemis program.

This is shortsighted, to say the least. Sending American astronauts to the south pole of the moon will showcase the global leadership and technological advances of the United States. It will also enhance our national security by allowing us to establish a strategic presence on the moon. Our nation is facing serious threats in space, specifically from China. Being the world leader in space will be expensive, but it will not be nearly as costly as letting China dominate in space. For far too long, we have allowed China to challenge us, with negative implications both for our economy and our national security.

In addition, by imposing new, unauthorized conditions on the Byrne Justice Assistance Grant (JAG) program and programs administered by the Office on Community Oriented Policing, the Majority is effectively halting funding for many authorized programs with strong bipartisan support. Among other purposes, funding for these programs supports active shooter response training under the POLICE Act (P.L. 114-199), grants for the purchase of school hardening equipment under the STOP School Violence Act (Title V of



P.L. 115–141), suicide prevention measures for police officers under the Law Enforcement Mental Health and Wellness Act (P.L. 115–113), and law enforcement assistance in tribal communities, where homicide rates among American Indians and Alaska Natives are more than double the rate for the U.S. as a whole. Conditioning needed funding for schools and communities on policies far outside the control of law enforcement—in the name of social justice—is inappropriate.

Moreover, in their effort to appease voices calling for the defunding of police, the Majority also underfunds all of the Federal law enforcement agencies of the Department of Justice, halts funding for anti-methamphetamine and heroin task forces, and directs resources to a misconduct registry that would be required by law to report baseless accusations. In doing so, they contribute to a climate wherein far too many good law enforcement officers are considering a career change because they feel their efforts are unsupported and the sacrifices they are willing to make are unappreciated.

The bill also includes several partisan immigration-related riders opposed by the Minority. It provides \$15,000,000 for a new, unauthorized program to provide direct legal representation of aliens arriving at our Southern border, prohibits the use of case completion benchmarks to evaluate immigration judge performance, and includes unauthorized restraints on the Census Bureau that will preclude it from using any of the data it legally collects to develop estimates of citizens, lawfully present non-citizens and unauthorized aliens in the U.S.

Finally, the bill eliminates several long-standing Second Amendment protections that have enjoyed historical, bipartisan support. The elimination of freedoms that are not even associated with the criminal misuse of firearms is indicative of a gun control agenda with no basis in the science of criminal justice.

We do commit, as always, to working with the Majority in good faith as we proceed through the legislative process, to cure these and other deficiencies.

KAY GRANGER.  
ROBERT B. ADERHOLT.



## **Fall 2020 IJF Activities**

### **Red Drum Management Profile**

The Red Drum Technical Task Force was scheduled to meet in March following the Commission meeting in Gulf Shores but COVID forced us to cancel. We held two calls over the summer to stay in touch but, with most agencies and universities shutdown, very little progress was made on the draft. We have essentially put the effort on hold until things become a little more normal. Each member of the task force was encouraged to continue drafting as time allowed but the group will refocus their efforts after the first of the year.

### **Mangrove Snapper Management Profile**

With the delays on Red Drum, the Mangrove Snapper Task Force will be addressed after the pandemic has eased up and the other task force can get back on track.

### **Otolith Manual Revision**

During the COVID shutdown, the IJF and the Atlantic States Marine Fisheries Commission (ASMFC) staff continue to format the various techniques chapters and species-specific protocols; however, responses to questions and the need for editing from the larger group was delayed significantly. Staff continues to make limited progress but responses from the other contributors continue to hold up completion of the document. As agencies have been opening again, the pace has picked up. It is still possible that the revision can be completed this year but may not be distributed until early next year.

## **Other Activities**

### **Tripletail Genetics**

The IJF program continues to have the angler derived Tripletail tissue samples processed to characterize the population throughout the Gulf and South Atlantic as well as worldwide. Samples from Senegal have been collected and are being shipped back to the US and collaborators are sampling in Benin and Turkey. Eleven fish were sampled in Malaysia and are in the process of being sent through customs to Dr. Saillant at GCRL. With a few remaining scattered around the Gulf region left to be returned, most of the sampling is complete at this point. The remaining tissues will be run in early 2021 and the final analysis will be completed and written up.

### **Tripletail Acoustic Tagging**

The IJF staff, in collaboration with GCRL deployed 50 acoustic tags in Tripletail in the northern Gulf and the Florida Keys in late 2019. Detections are being reported now from several areas around the Gulf. Mississippi Sound fish released in October have been detected moving south through the Tampa area and fish released in Florida Bay in December have flooded the Everglades arrays throughout the first of 2020. Many more uploads need to be completed by members of iTAG and our detections will be updated once COVID allows for more field work. The IJF staff is purchasing additional receivers to be deployed as a gate on the eastern end of Mississippi Sound along the MS/AL line. Those units, in conjunction with existing stations and proposed receivers should effectively close the Mississippi portion of the sound and detect any number of species moving in or out of our state waters.

### **Regional Flounder Symposium**

The IJF staff, working with Drs. Midway and Dance at LSU, still plan to host a large symposium on Flounder issues but COVID delayed the plans for this past summer. Starting next year, we will again try to start the process. Fishery experts from each state in the Gulf and South Atlantic will be invited along with other disciplines such as climatology and oceanography to discuss what might be going on with flounder and develop a plan to address the population declines moving forward.

### **IJF Small Grants**

Each state agency has submitted their proposed work using the available IJF research funds from 2019 and 2020. Work will begin shortly on a variety of issues related to Blue Crab, Southern Flounder, and Eastern Oysters with three states adding acoustic tagging and expanding receiver arrays. We will report on those projects as they move forward at future meetings.

## **Aquaculture Fall 2020 Update**

Extensions were awarded to nearly all the grant recipients as a result of the COVID shutdown and work was delayed for most. As a result, all the current awards have end dates well into 2021. The Commission was also granted an extension for another year to allow the existing awards to be completed. Therefore, there is not a lot of progress to report as of October 2020 with a few notable exceptions.

### **FY2019 Gulf of Mexico Oyster Aquaculture Consortia Award**

The Consortium continued to work but on a limited basis through the COVID shutdown at most of the collaborators Universities. Spawning has begun however as of early September and the various genetic lines are in the process of being selected. The first-year award is done and the Consortium has entered into its second year. Dr. Saillant provided an overview of the project to the MSSC during their meeting in September.

### **FY2019 Regional Pilot Projects for Aquaculture in the Gulf of Mexico**

The two of the four pilots made progress during COVID. Kampachi Farms and Mote continued to maintain Almaco Jack broodstock in the hatchery and succeeded in another spawn in an effort to refine their culture techniques and improve their fingerling production for the Vellela Epsilon project. Auburn Shellfish Lab was very successful with their Urchin production prior to the COVID shutdown and were able to continue work with the hatchery partner over the summer.

### **FY2020 Regional Pilot Projects for Aquaculture in the Gulf of Mexico**

The seven new pilot projects began just prior to the COVID shutdown and most if not, all have been awarded extensions as a result. With the exception of a few private industry projects, most are delayed. Work on hybrid Hard Clams, Anglewing Clams, and the multi-use of offshore O&G platforms were able to move forward though at a slower pace than expected. More information should be available on all the projects as the PIs facilities approach more normal activity.

### **FY2021 Region Pilot Projects for Aquaculture in the Gulf of Mexico**

The Commissions have received the next round of funds for Pilots for next year but has elected to wait while the current projects are delayed. NOAA Office of Aquaculture has concurred and as a result, the Gulf Commission will combine the funds with next year's to make a larger award opportunity in the fall of 2021 with projects beginning in 2022. The 2021/2022 RFP should have close to \$1M available for competitive projects.

**Southeast Area Monitoring and Assessment Program (SEAMAP)**  
**October 2020**

The SEAMAP Spring Plankton Survey, which normally takes place during April and May, was cancelled this year. The majority of the Bottom Longline Survey was cancelled this year. Except for Alabama, the Spring time period was not sampled and the majority of the Summer time period was not sampled due to COVID-19 restrictions on staff. The SEAMAP Vertical Line Survey is currently being conducted off Alabama, Louisiana, and Texas. Two hundred eighteen stations are scheduled to be sampled in 2020, but the number of stations actually sampled will be much less than this. The SEAMAP Reef Fish Survey was completed this summer with a reduced sampling effort. The SEAMAP Summer Shrimp/Groundfish Survey usually is conducted in June and July, but because NOAA Fisheries would not have been able to participate this year during June or July, the SEAMAP Subcommittee decided to only sample the eastern Gulf of Mexico. The states planned to sample 150 stations during July. At the last minute, the entire survey was cancelled due to crew limitations.

SEAMAP has been working to improve the identification of invertebrates captured during sampling activities. SEAMAP has held several invertebrate identification workshops online over the summer to help field staff in the identification of echinoderms. The workshops are part of a larger effort to hold a face to face meeting next year to provide a more hands on approach to help in the identification of invertebrates in the Gulf of Mexico.

The Commission continues to manage SEAMAP data and distribute the data to interested parties. The Commission has fulfilled four SEAMAP data requests since March. The various SEAMAP databases have been downloaded 64 times since March.

CARES Act Program  
October 2020

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) was signed into law on March 27, 2020. On May 7, 2020, the Secretary of Commerce announced the allocation of \$300 million in fisheries assistance funding provided by Sec. 12005 of the CARES Act to states, Tribes, and territories with coastal and marine fishery participants who were negatively affected by COVID-19. Fishery participants include Tribes, persons, fishing communities, aquaculture businesses, processors, or other fishery-related businesses, who have incurred a loss, as a direct or indirect result of the coronavirus pandemic.

Eligible fishery participants must have incurred an economic revenue loss greater than 35 percent as compared to the prior 5-year average revenue; or any negative impacts to subsistence, cultural, or ceremonial fisheries. NOAA Fisheries will be disbursing the fisheries assistance through the Gulf States Marine Fisheries Commission, Atlantic States Marine Fisheries Commission, and the Pacific States Marine Fisheries Commission

The Gulf states allocations are as follows.

Texas	\$ 9,237,949
Louisiana	\$14,785,244
Mississippi	\$ 1,534,388
Alabama	\$ 3,299,821
Florida*	\$23,636,600

\*Florida did not split their coast and will be working with the Atlantic States Marine Fisheries Commission.

Each state must develop a spend plan detailing how they propose to distribute their share of the funds. All spend plans must describe the main categories for funding, including direct payments, fishery-related infrastructure, and fishery-related education that address direct and indirect COVID-19 impacts to commercial fishermen, charter businesses, qualified aquaculture operations, subsistence/cultural/ceremonial users, processors, and other fishery-related businesses. Vessel repair businesses, restaurants, or seafood retailers are not considered fishery-related businesses. NOAA Fisheries must approve each state's spend plan before the state starts accepting applications.

All eligible fishery participants will be required by the states to

- self-certify that they are eligible
- self-certify that they incurred losses greater than 35% from their 2015-2019 average
- attest that they have not received other COVID related assistance and that the sum of all assistance, when combined with their reduced revenue, does not exceed the level of their five-year average (cannot make themselves more than whole)

For the latest information on the Commission's CARES Act program, you can sign up for updates at <https://www.gsmfc.org/cares-act.php>.



## Sport Fish Restoration Program Update

Fall 2020

- After final approval of “*Guidelines for Marine Artificial Reef Materials: Third Edition*” at the March GSMFC meeting. The Program Coordinator made the document available through the Commission’s website and provided it to the ASMFC for approval and distribution. Moving forward, this will be a living document so the TCC Artificial Reef Subcommittees can update specific chapters as new information becomes available without having to do a full revision of the document.
- Through a partnership with the University of Southern Mississippi’s Gulf Coast Research Lab, the Program Coordinator was able to start testing the field component of the Gulf Artificial Reef Monitoring and Assessment Program in 2019. The field testing highlighted some aspects of the data entry program that proved to be cumbersome while processing collected fish. As a result, the GSMFC’s System Administrator developed version two of the data entry program to make it more user-friendly and to minimize the amount of time that collected fish have to be onboard the monitoring vessel. During the sampling events carried out in 2019, extremely low dissolved oxygen levels were detected at several sampling location. In an effort to better assess the water quality including dissolved oxygen levels at artificial reef sites off the coast of Mississippi, the Program Coordinator will employ water quality monitoring multiparameter datasondes at several offshore sites. These datasondes will be deployed on the bottom and will utilize an acoustic release system so there will be no entanglement issues associated with a surface buoy and mooring line system. The mooring system for the datasondes will also utilize VR2AR coded acoustic fish tag receivers in order to collect fish tag data, in areas where fish tag receivers are not currently located. The datasondes will be deployed year-round in order to assess seasonal changes in water quality at the sites and to determine the prevalence and duration of low dissolved oxygen events. The long-term goal of this effort is to develop a program that will provide standardized baseline data for artificial reefs across the Gulf of Mexico. This will allow states to assess impacts from natural and man-made disasters in the future, and to understand how their reefs are functioning over time, compared to natural reefs.
- The Program Coordinator is working with MS DMR to conduct the third year of the Jimmy Sanders Memorial Lionfish Challenge. Do to current circumstances we switched to a virtual tournament this year utilizing Fishing Chaos. The new format is working very well and we have already surpassed last year’s numbers. These efforts are made possible by the support from sponsors like Engel Coolers, Neritic Diving, ZooKeeper, and Fishing Chaos.
- We are working to increase funding for the program so the Commission can help to support and coordinate more Sport Fish Restoration activities across the Gulf of Mexico.



## Aquatic Nuisance Species Program Update

Fall 2020

- The Program Coordinator set up and hosted the spring Gulf and South Atlantic Regional Panel (GSARP) virtual meeting on April 22<sup>nd</sup>.
- The Aquatic Nuisance Species Task Force's (ANSTF) spring meeting scheduled for May 5-7<sup>th</sup> was canceled due to the Corona virus.
- Region 4 USFWS AIS Small Grants Program: Over the last six years of this program, we have been able to fund 39 projects totaling \$850K. The Program Coordinator worked with the USFWS to get the funding for this year added to the program, but because of a number of current circumstances, these funds will be added to next year's RFP.
- Invasive Species Traveling Trunk: The GSARP's Education and Outreach workgroup will continue to explore other materials that can be added to the trunks to keep them new and relevant. They will also look at developing lesson plans to make it easier for teachers to incorporate the materials in the trunks into their science curriculums. The trunks have been utilized for 1,552 days since they were made available to the public in the summer of 2012.
- The Program Coordinator is chairing the ANSTF's Prevention Committee which is tasked with addressing five key outputs of the new ANSTF Strategic Plan:
  - Evaluate and refine the NISC/ANSTF pathway risk assessment process, consistent with the 2009 National Research Council publication "Science and Decisions: Advancing Risk Assessment"; and complete guidelines for the use and interpretation of these tools.
  - Work with applicable Federal agencies and responsible industry sectors to make organisms in trade importation data electronically available, searchable for organisms (wildlife and plants) imported into the United States, and ensure this data is correctly identified to species.
  - Assess new ANS introductions to determine where prevention measures may have been lacking, been ineffective, or resulted from gaps in authority.
  - Establish an ad-hoc committee to evaluate and implement the roles and responsibilities of the ANSTF under the Vessel Incidental Discharge Act (VIDA).
  - Enter into national prevention practices and agreements with natural resource agencies and responsible industry sectors that consider invasion risks within operations.
- The GSARP is planning to hold another virtual meeting later this year.
- The fall ANSTF meeting will be held virtually on December 8-10<sup>th</sup>.



## FISHERIES INFORMATION NETWORK PROGRAM



The Fisheries Information Network (FIN) is a state-federal cooperative program to collect, manage, and disseminate statistical data and information on the marine commercial and recreational fisheries of the Southeast Region. The FIN consists of two components: Commercial Fisheries Information Network (ComFIN) and the Southeast Recreational Fisheries Information Network [RecFIN(SE)].

The scope of the FIN includes the Region's commercial and recreational fisheries for marine, estuarine, and anadromous species, including shellfish. Constituencies served by the program are state and federal agencies responsible for management of fisheries in the Region. Direct benefits will also accrue to federal fishery management councils, the interstate marine fisheries commissions, the National Park Service, the U.S. Fish and Wildlife Service, and the NOAA National Marine Sanctuaries Program. Benefits that accrue to management of fisheries will benefit not only commercial and recreational fishermen and the associated fishing industries, but the resources, the states, and the nation.

The mission of the FIN is to cooperatively collect, manage, and disseminate marine commercial, anadromous and recreational fishery data and information for the conservation and management of fishery resources in the Region and to support the development of a national program. The four goals of the FIN include planning, managing, and evaluating commercial and recreational fishery data collection activities; to implement a marine commercial and recreational fishery data collection program; to establish and maintain a commercial and recreational fishery data management system; and to support the establishment of a national program.

The organizational structure consists of the FIN Committee, two geographic subcommittees (Caribbean and Gulf), standing and ad hoc subcommittees, technical work groups, and administrative support. The FIN Committee consists of the signatories to the MOU or their designees, and is responsible for planning, managing, and evaluating the program. Agencies represented by signatories to the MOU are the National Marine Fisheries Service, U.S. Fish and Wildlife Service, National Park Service, Alabama Department of Conservation and Natural Resources, Florida Department of Environmental Protection, Louisiana Department of Wildlife and Fisheries, Mississippi Department of Marine Resources, Puerto Rico Department of Environmental and Natural Resources, Texas Parks and Wildlife Department, U.S. Virgin Islands Department of Planning and Natural Resources, Caribbean Fishery Management Council, Gulf of Mexico Fishery Management Council and Gulf States Marine Fisheries Commission.

The FIN Committee is divided into two standing subcommittees representing the major geographical areas of the Region: Caribbean and Gulf of Mexico. These subcommittees are responsible for making recommendations to the Committee on the needs of these areas. Standing and ad hoc subcommittees are established as needed by the FIN Committee to address administrative issues and technical work groups are established as needed by the Committee to carry out tasks on specific technical issues. Coordination and administrative support of the FIN is accomplished through the Gulf States Marine Fisheries Commission.

## **PROPOSED FUNDING ACTIVITIES IN 2021 FIN COOPERATIVE AGREEMENT**

### ***Coordination and Administration of FIN Activities*** **\$474,714**

This task will provide for the coordination, planning, and administration of FIN activities throughout the year as well as provide recreational and commercial information to the FIN participants and other interested personnel. This is a continuation of an activity from the previous year. This activity pertains to all modules of the program.

### ***Collecting, Managing and Disseminating Marine Recreational Fisheries Data*** **\$4,484,753**

This task will provide for the conduct of the MRIP survey in Mississippi, Alabama and Florida for shore, for-hire, and private modes and will provide partial funding for LA Creel in Louisiana. This task will provide for coordination of the survey, an intercept survey of shore, for-hire and private boat anglers to estimate angler catch using the existing MRIP methodology, and entry of the data. The states will also conduct weekly telephone calls to a 10% random sample of the Mississippi, Alabama, and Florida charter boat captains to obtain estimates of charter boat fishing effort. This is a continuation of an activity from the previous year. This activity pertains to the Recreational Catch/Effort Module for all modes of FIN.

### ***Operations of FIN Data Management System*** **\$196,553**

This task will provide for operations of the data management system for the FIN. This task will provide funding for the FIN Data Base Manager, ComFIN Programmer and part-time Metadata Coordinator. Responsibilities include further development of data modules structures; routine loading of Louisiana, Mississippi, Alabama, and Florida commercial catch data, Gulf biological data, Gulf recreational data; enter and maintain the metadata records into the InPort system and maintenance of DMS. This is a continuation of an activity from the previous year. This activity pertains to the Data Management Module of FIN.

### ***Trip Ticket Program Development and Operation*** **\$1,484,719**

This task will provide for the further development and implementation of commercial trip ticket systems in the Gulf of Mexico. This task provides funding for Texas, Louisiana, Mississippi and Alabama to operate their trip ticket programs. Full implementation of trip tickets in all five Gulf States allows for a complete census of all commercial fisheries landings in the Gulf of Mexico. In addition, it provides funding for a contractor to implement and operate an electronic trip ticket reporting program that allows for a more efficient means for dealers to report the necessary data. This activity pertains to the Commercial Catch/Effort Module of FIN.

### ***Gulf of Mexico Reef Fish Surveys*** **\$300,000**

This task will provide support for MRIP certified state specialized surveys that are implemented to improve precision and accuracy of reef fish landings and effort estimates in the Gulf of Mexico. Currently Florida State Reef Fish Survey, Alabama Snapper Check, and Mississippi Tails n' Scales are being supported through this funding that was provided by the Modernizing Recreational Fisheries Management Act. The priority is to support state survey efforts and develop and improve electronic reporting tools used to collect data from anglers. This activity pertains to the Recreational Catch/Effort Module for all modes of FIN.

### ***Southeast For-Hire Integrated Electronic Reporting Program*** **\$1,151,838**

This task will provide support for a dockside validation survey of federally permitted for-hire captains that are reporting electronic logbook data to NOAA Fisheries SERO. The dockside

survey is still in design but the plan is to implement a new survey early in 2021. The monies received in FY2020 will support 2021 sampling year activities. The monies submitted in the 2021 cooperative agreement will support 2022 sampling year activities. This activity pertains to the Recreational Catch/Effort Module for all modes of FIN.

**GRAND TOTAL**

**\$8,092,577**

## Fisheries Restoration Program – October 2020

### *Reduction of Post-release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries*

The Reduction of Post-release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries project will be implemented through a cooperative agreement and partnership among the Gulf States Marine Fisheries Commission, National Oceanic and Atmospheric Administration (NOAA), and FL Sea Grant. Funding for the project is provided through Deepwater Horizon Natural Resource Damage Assessment and Restoration (NRDA). Barotrauma occurs when fish are rapidly brought to the surface from deep water and gases in the fish's tissue and organs expand, which can cause physical damage or prevent fish from being able to descend back into the water column, resulting in possible mortality. The project plans to reduce post-release mortality by researching and developing Gulf-wide best handling practices for reef fish, making equipment and tools available to recreational reef fish anglers to implement those practices, and providing outreach and education information to increase anglers' awareness and knowledge on their use.

Major project components:

- Distribution of equipment and tools that allow anglers to more effectively release reef fish in a manner that reduces post-release mortality, coupled with outreach and education materials on release handling methods.
- Monitoring effectiveness of outreach and education programming using surveys to understand the best ways to increase visibility, awareness, knowledge, and adoption of best handling practices.
- Research and monitoring to obtain more precise estimates of post-release mortality for reef fish and effectiveness of fish descender device (FDD) use from a Gulf-wide geographical perspective.

These components will primarily be accomplished through (1) engagement with the reef fish angler community and relevant State resource management agencies; (2) voluntary surveys of anglers to explore attitude changes, prevalence of use, and effectiveness of FDDs and other tools; and (3) development of data collection and monitoring studies designed to improve mortality estimates and inform best handling practices.

It is anticipated the overall project will take place over a 7-year period and will initially focus on recreational anglers in coastal Alabama and the Florida panhandle with the potential to expand to additional areas in later phases. As the project is still in the development stages, we are currently developing requests for proposals regarding (1) research projects addressing release mortality estimates and/or predation issues and (2) a survey on angler attitudes and opinions regarding FDDs. We will also begin coordinating with member States to get feedback on how each State may best integrate and participate in the project moving forward.

For more project details, please [click here](#) to understand how NOAA is supporting this effort to restore reef fish species impacted by the 2010 Deepwater Horizon oil spill in the Gulf of Mexico. You may also use the following URL: <https://www.fisheries.noaa.gov/feature-story/noaa-and-gulf-states-marine-fisheries-commission-partner-restore-recreational-fish>

**GULF STATES MARINE FISHERIES COMMISSION**

January 1, 2021 - December 31, 2021

	FY2021 Operating Funds	FY2021 Total Grants	FY2021 Total Budget
<b>EXPENSES</b>			
<b>SALARIES</b>			
Executive Director	3,305	118,309	<b>121,614</b>
IJF Coordinator	-	70,950	<b>70,950</b>
SM Coordinator	-	66,407	<b>66,407</b>
GulfFIN Coordinator	-	75,007	<b>75,007</b>
RecFIN Survey Coordinator	-	60,737	<b>60,737</b>
ComFIN Survey Coordinator	-	57,918	<b>57,918</b>
Fishery Restoration Coordinator	-	49,000	<b>49,000</b>
Sportfish/ANS Coordinator	-	56,196	<b>56,196</b>
Computer Systems Administrator	2,888	80,424	<b>83,312</b>
Administrative Officer	2,060	57,375	<b>59,435</b>
Administrative Assistant	1,527	42,542	<b>44,069</b>
IJF Staff Assistant	-	30,222	<b>30,222</b>
GulfFIN/SEAMAP Staff Assistant	458	32,542	<b>33,000</b>
Senior Accountant	2,133	59,410	<b>61,543</b>
Data Entry Clerk	-	40,127	<b>40,127</b>
GulfFIN/SEAMAP Data Base Manager	-	68,293	<b>68,293</b>
Sportfish/ANS Staff Assistant	-	30,636	<b>30,636</b>
Personnel (not designated)	-	20,223	<b>20,223</b>
Contract Labor	-	498,050	<b>498,050</b>
Health Insurance	-	157,680	<b>157,680</b>
Retirement	-	45,607	<b>45,607</b>
Payroll Taxes	-	51,499	<b>51,499</b>
Post Employment Health Benefit	-	6,496	<b>6,496</b>
<b>MAINTENANCE/OPERATIONS</b>			
Facilities	-	-	-
Office Supplies	6,062	18,557	<b>24,619</b>
Postage	-	4,337	<b>4,337</b>
Committee Travel	6,200	102,500	<b>108,700</b>
Travel (Staff)	25,000	28,274	<b>53,274</b>
Telephone	-	1,225	<b>1,225</b>
Office Equipment	5,900	17,000	<b>22,900</b>
Copying Expenses	-	-	-
Printing	-	1,027	<b>1,027</b>
Meeting Costs	35,500	21,650	<b>57,150</b>
Subscriptions/Dues	-	1,005	<b>1,005</b>
Auto Expenses	-	-	-
Insurance	-	-	-
Maintenance	-	65,152	<b>65,152</b>
Professional Services	1,700	-	<b>1,700</b>
GSMFC Courtesies	5,000	-	<b>5,000</b>
Automobile Purchase/Lease	-	-	-
Training and Education	-	-	-
Contractual	-	7,168,097	<b>7,168,097</b>
INDIRECT COSTS	14,767	411,332	<b>426,099</b>
<b>TOTAL</b>	<b>112,500</b>	<b>9,615,806</b>	<b>9,728,306</b>
<b>INCOME</b>			
<b>STATE CONTRIBUTIONS</b>			
Alabama	22,500		
Florida	22,500		
Louisiana	22,500		
Mississippi	22,500		
Texas	22,500		
<b>TOTAL DUES</b>			112,500
<b>GRANTS</b>			
210 NOAA Admin and Coordination		160,030	3,807,076
600 SEAMAP		383,396	335,533
601 SEAMAP FIS Supplemental		14,251	313,327
650 Interjurisdictional Fisheries		1,315,214	1,627,655
700 Council		45,000	-
749 GulfFIN		7,169,042	6,376,620
750 Sport Fish Restoration		200,000	-
799 Biological/Headboat Sampling		74,040	3,784,576
800 ANS		64,520	209,166
930 CARES Act		23,926	28,302,540
940 Fishery Restoration Program		166,388	700,000
<b>TOTAL GRANTS</b>		<b>9,615,806</b>	45,456,493
<b>TOTAL</b>	<b>112,500</b>	<b>9,615,806</b>	<b>9,728,306</b>

**GULF STATES MARINE FISHERIES COMMISSION**

January 1, 2021 - December 31, 2021

	FY2021 Operating Funds	FY2021 Total Grants	FY2021 Total Budget
<b>EXPENSES</b>			
SALARIES			
Personnel (designated)	12,371	996,095	<b>1,008,466</b>
Personnel (not designated)	-	20,223	<b>20,223</b>
Contract Labor	-	498,050	<b>498,050</b>
Health Insurance	-	157,680	<b>157,680</b>
Retirement	-	45,607	<b>45,607</b>
Payroll Taxes	-	51,499	<b>51,499</b>
Post Employment Health Benefit	-	6,496	<b>6,496</b>
MAINTENANCE/OPERATIONS			
Facilities	-	-	-
Office Supplies	6,062	18,557	<b>24,619</b>
Postage	-	4,337	<b>4,337</b>
Committee Travel	6,200	102,500	<b>108,700</b>
Travel (Staff)	25,000	28,274	<b>53,274</b>
Telephone	-	1,225	<b>1,225</b>
Office Equipment	5,900	17,000	<b>22,900</b>
Copying Expenses	-	-	-
Printing	-	1,027	<b>1,027</b>
Meeting Costs	35,500	21,650	<b>57,150</b>
Subscriptions/Dues	-	1,005	<b>1,005</b>
Auto Expenses	-	-	-
Insurance	-	-	-
Maintenance	-	65,152	<b>65,152</b>
Professional Services	1,700	-	<b>1,700</b>
GSMFC Courtesies	5,000	-	5,000
Automobile Purchase/Lease	-	-	-
Undesignated Expenditures	-	-	-
Contractual	-	7,168,097	<b>7,168,097</b>
INDIRECT COSTS	14,767	411,332	<b>426,099</b>
<b>TOTAL</b>	<b>112,500</b>	<b>9,615,806</b>	<b>9,728,306</b>
<b>INCOME</b>			
STATE CONTRIBUTIONS			
Alabama	22,500		
Florida	22,500		
Louisiana	22,500		
Mississippi	22,500		
Texas	22,500		
TOTAL DUES			112,500
<b>GRANTS</b>			<b>CONT BAL</b>
210 NOAA Admin and Coordination		160,030	3,807,076
600 SEAMAP		383,396	335,533
601 SEAMAP FIS Supplemental		14,251	313,327
650 Interjurisdictional Fisheries		1,315,214	1,627,655
700 Council		45,000	-
749 GULFIN		7,169,042	6,376,620
750 Sport Fish Restoration		200,000	-
799 Biological/Headboat Sampling		74,040	3,784,576
800 ANS		64,520	209,166
930 CARES Act		23,926	28,302,540
940 Fishery Restoration Program		166,388	700,000
TOTAL GRANTS			9,615,806
<b>TOTAL</b>	<b>112,500</b>	<b>9,615,806</b>	<b>9,728,306</b>

**GULF STATES MARINE FISHERIES COMMISSION**  
**January 1, 2021 - December 31, 2021**

	FY2020 Operating Funds	FY2021 Operating Funds	FY2020 Total Grants	FY2021 Total Grants	FY2020 Total Budget	FY2021 Total Budget
<b>EXPENSES</b>						
<b>SALARIES</b>						
Executive Director	17,625	3,305	99,875	118,309	117,500	121,614
IJF Coordinator	-	-	68,550	70,950	68,550	70,950
SM Coordinator	-	-	64,162	66,407	64,162	66,407
GulfFIN Coordinator	-	-	72,471	75,007	72,471	75,007
RecFIN Survey Coordinator	-	-	58,683	60,737	58,683	60,737
ComFIN Survey Coordinator	-	-	55,959	57,918	55,959	57,918
Fishery Restoration Coordinator	-	-	-	49,000	-	49,000
Sportfish/ANS Coordinator	-	-	54,296	56,196	54,296	56,196
Computer Systems Administrator	10,464	2,888	70,032	80,424	80,496	83,312
Administrative Officer	7,465	2,060	49,963	57,375	57,428	59,435
Administrative Assistant	5,535	1,527	37,046	42,542	42,581	44,069
IJF Staff Assistant	-	-	29,200	30,222	29,200	30,222
GulfFIN/SEAMAP Staff Assistant	-	458	28,200	32,542	28,200	33,000
Senior Accountant	2,973	2,133	56,488	59,410	59,461	61,543
Data Entry Clerk	-	-	38,770	40,127	38,770	40,127
GulfFIN/SEAMAP Data Base Manager	-	-	65,985	68,293	65,985	68,293
Sportfish/ANS Staff Assistant	-	-	29,600	30,636	29,600	30,636
Personnel (not designated)	1,529	-	30,586	20,223	32,115	20,223
Contract Labor	-	-	485,000	498,050	485,000	498,050
Health Insurance	8,475	-	219,900	157,680	228,375	157,680
Retirement	3,084	-	61,549	45,607	64,633	45,607
Payroll Taxes	3,454	-	69,424	51,499	72,878	51,499
Post Employment Health Benefit	441	-	8,793	6,496	9,234	6,496
<b>MAINTENANCE/OPERATIONS</b>						
Facilities	-	-	-	-	-	-
Office Supplies	455	6,062	6,775	18,557	7,230	24,619
Postage	300	-	10,565	4,337	10,865	4,337
Committee Travel	-	6,200	354,070	102,500	354,070	108,700
Travel (Staff)	22,500	25,000	44,125	28,274	66,625	53,274
Telephone	600	-	26,960	1,225	27,560	1,225
Office Equipment	3,750	5,900	67,390	17,000	71,140	22,900
Copying Expenses	600	-	30,018	-	30,618	-
Printing	100	-	5,175	1,027	5,275	1,027
Meeting Costs	14,000	35,500	93,640	21,650	107,640	57,150
Subscriptions/Dues	100	-	2,360	1,005	2,460	1,005
Auto Expenses	200	-	3,960	-	4,160	-
Insurance	800	-	27,510	-	28,310	-
Maintenance	600	-	94,144	65,152	94,744	65,152
Professional Services	850	1,700	28,290	-	29,140	1,700
GSMFC Courtesies	5,000	5,000	-	-	5,000	5,000
Training and Education	100	-	24,039	-	24,139	-
Contractual	-	-	6,189,191	7,168,097	6,189,191	7,168,097
Utilities/Janitorial	1,500	-	35,120	-	36,620	-
INDIRECT COSTS	-	14,767	-	411,332	-	426,099
<b>TOTAL</b>	<b>112,500</b>	<b>112,500</b>	<b>8,797,864</b>	<b>9,615,806</b>	<b>8,910,364</b>	<b>9,728,306</b>
<b>INCOME</b>						
<b>STATE CONTRIBUTIONS</b>						
Alabama	22,500	22,500				
Florida	22,500	22,500				
Louisiana	22,500	22,500				
Mississippi	22,500	22,500				
Texas	22,500	22,500				
<b>TOTAL DUES</b>						112,500
<b>GRANTS</b>						
210 NOAA Admin and Coordination			216,786	160,030		
600 SEAMAP			392,303	383,396		
601 SEAMAP FIS Supplemental			181,812	14,251		
650 Interjurisdictional Fisheries			1,398,411	1,315,214		
700 Council			45,000	45,000		
749 GulfFIN			6,259,846	7,169,042		
750 Sport Fish Restoration			200,000	200,000		
799 Biological/Headboat Sampling			65,734	74,040		
800 ANS			37,972	64,520		
930 CARES Act				23,926		
940 Fishery Restoration Program				166,388		
<b>TOTAL GRANTS</b>						9,615,806
<b>TOTAL</b>	<b>\$112,500</b>	<b>\$112,500</b>	<b>8,797,864</b>	<b>\$9,615,806</b>		<b>\$9,728,306</b>

**GULF STATES MARINE FISHERIES COMMISSION**

January 1, 2021 - December 31, 2021

	FY2020 Operating Funds	FY2021 Operating Funds	FY2020 Total Grants	FY2021 Total Grants	FY2020 Total Budget	FY2021 Total Budget
<b>EXPENSES</b>						
<b>SALARIES</b>						
Personnel (designated)	44,062	12,371	879,280	996,095	923,342	1,008,466
Employee6	-	-	-	-	-	-
Employee7	-	-	-	-	-	-
Personnel (not designated)	1,529	-	30,586	20,223	32,115	20,223
Contract Labor	-	-	485,000	498,050	485,000	498,050
Health Insurance	8,475	-	219,900	157,680	228,375	157,680
Retirement	3,084	-	61,549	45,607	64,633	45,607
Payroll Taxes	3,454	-	69,424	51,499	72,878	51,499
Post Employment Health Benefit	441	-	8,793	6,496	9,234	6,496
<b>MAINTENANCE/OPERATIONS</b>						
Facilities	-	-	-	-	-	-
Office Supplies	455	6,062	6,775	18,557	7,230	24,619
Postage	300	-	10,565	4,337	10,865	4,337
Committee Travel	-	6,200	354,070	102,500	354,070	108,700
Travel (Staff)	22,500	25,000	44,125	28,274	66,625	53,274
Telephone	600	-	26,960	1,225	27,560	1,225
Office Equipment	3,750	5,900	67,390	17,000	71,140	22,900
Copying Expenses	600	-	30,018	-	30,618	-
Printing	100	-	5,175	1,027	5,275	1,027
Meeting Costs	14,000	35,500	93,640	21,650	107,640	57,150
Subscriptions/Dues	100	-	2,360	1,005	2,460	1,005
Auto Expenses	200	-	3,960	-	4,160	-
Insurance	800	-	27,510	-	28,310	-
Maintenance	600	-	94,144	65,152	94,744	65,152
Professional Services	850	1,700	28,290	-	29,140	1,700
GSMFC Courtesies	5,000	5,000	-	-	5,000	5,000
Training and Education	100	-	24,039	-	24,139	-
Contractual	-	-	6,189,191	7,168,097	6,189,191	7,168,097
Utilities/Janitorial	1,500	-	35,120	-	36,620	-
<b>INDIRECT COSTS</b>	-	14,767	-	411,332	-	426,099
<b>TOTAL</b>	<b>112,500</b>	<b>112,500</b>	<b>8,797,864</b>	<b>9,615,806</b>	<b>8,910,364</b>	<b>9,728,306</b>
<b>INCOME</b>						
<b>STATE CONTRIBUTIONS</b>						
Alabama	22,500	22,500				
Florida	22,500	22,500				
Louisiana	22,500	22,500				
Mississippi	22,500	22,500				
Texas	22,500	22,500				
<b>TOTAL DUES</b>						112,500
<b>GRANTS</b>						
			FY2020	FY2021		
210 NOAA Admin and Coordination			216,786	160,030		
600 SEAMAP			392,303	383,396		
601 SEAMAP FIS Supplemental			181,812	14,251		
650 Interjurisdictional Fisheries			1,398,411	1,315,214		
700 Council			45,000	45,000		
749 GulfFIN			6,259,846	7,169,042		
750 Sport Fish Restoration			200,000	200,000		
799 Biological/Headboat Sampling			65,734	74,040		
800 ANS			37,972	64,520		
930 CARES Act			-	23,926		
940 Fishery Restoration Program			-	166,388		
<b>TOTAL GRANTS</b>						9,615,806
<b>TOTAL</b>	<b>112,500</b>	<b>112,500</b>	<b>8,797,864</b>	<b>9,615,806</b>		<b>9,728,306</b>



Gulf States Marine Fisheries Commission  
Technical Coordinating Committee (TCC), Fall 2020 Meeting  
Florida Report

1. Emerging Issues Pertinent to Gulf of Mexico Fisheries.

*Hurricane Disaster Relief*

FWC received \$44.5 million grant from NOAA Fisheries in June 2019 to help fisheries-related businesses impacted by Hurricane Irma. Staff is working with Chairman Spottswood on details of the payout programs. So far, more than \$24.9 million in direct payouts have been made to commercial fishers, wholesale dealers, and charter fishermen. Over the next year, \$3.4 million will be spent reimbursing wholesale dealers for facility upgrades or repair, and \$2.5 million is expected to be spent on marine debris in the Keys. Over the next 3-4 years, \$2.8 million will be spent on mitigating loss of coral due to the stony coral tissue loss disease, nearly \$5 million dollars will be spent on four habitat improvement projects, and \$5.5 million will be spent on fishing infrastructure projects.

In March of this year, FWC received notification of \$7,812,000 in funding to help those fisheries-related businesses impacted by Hurricane Michael. FWC staff, working closely with Chairman Spottswood, coordinated with affected stakeholders to develop a spend plan to mitigate the fisheries-related damages caused by Hurricane Michael. After reviewing submitted public comments, the proposed spend plan was submitted to NOAA in early September, which outlines methods and budgets to provide relief to commercial aquaculturists, fishermen, and wholesale dealers, as well as marinas and licensed charter businesses.

*CARES Act*

On March 27, 2020, President Trump signed the CARES Act into law. When the CARES Act became Public Law 116-136, it was the third legislative relief package that Congress passed as a result of COVID-19. Public Law 116-136 created \$2 trillion of relief for Americans affected by COVID-19. One of its major provisions related to the fishing industry was \$300 million for fishery disaster assistance nationwide. Of that, Florida will be allocated \$23,636,600. All relief money for Florida fishing-related businesses will be distributed by the Atlantic State Marine Fisheries Commission, working in cooperation with the FWC. FWC staff, working closely with Chairman Spottswood, developed a spend plan to mitigate the COVID-19 financial impact to the Florida fishery. After reviewing public comments, the proposed spend plan was submitted to NOAA in early August, outlining methods and budgets to provide relief to commercial aquaculturists, fishermen, and wholesale dealers, as well as licensed charter businesses. FWC has received comments from NOAA for further information and/or clarification regarding the spend plan. FWC staff are addressing these comments and submitted the final proposal in

mid-September. FWC staff are also gathering the necessary fishery-related data from each sector to prepare applications.

### *Oysters*

Apalachicola Bay Oysters. Apalachicola Bay historically supported expansive oyster reefs and a culturally important oyster fishery. Harvest dropped dramatically in 2013 and oyster abundance continues to remain at historic lows. In early 2020, FWC was granted funds for large-scale oyster restoration and to develop an adaptive oyster management plan. At the July 2020 Commission meeting, the Commission supported restoration efforts in the Bay by approving draft rules to suspend harvest of wild oysters and prohibit on-the-water possession of tongs, and by proactively implementing these measures by Executive Order. Staff will present proposed final rules that establish these conservation measures in rule through December 2025. Staff will continue monitoring oyster recovery and can reevaluate whether harvest opportunities are available prior to December 31, 2025.

### *Flounder*

A stock status update completed by FWC's Fish and Wildlife Research Institute found that the flounder fishery on the Atlantic coast of Florida is likely overfished and undergoing overfishing and that there has been a general decline in the fishery statewide. Staff has been gathering public input on management of this fishery and, at the July 2020 Commission meeting, the Commission approved a series of proposed draft rules intended to improve the long-term sustainability of the fishery and directed staff to continue working with stakeholders on allowable bycatch of flounder in federal waters.

### *Federal Consistency*

Atlantic Reef Fish Hook Requirements. The South Atlantic Fishery Management Council (SAFMC) recently modified hook requirements for Atlantic reef fish in federal waters as part of an effort to increase survivorship of released fish and promote best fishing practices. To be consistent, staff propose approval of a federal consistency action that would implement the same hook requirements for those harvesting reef fish on board a vessel in Atlantic state waters. This proposed rule would require the use of non-stainless-steel, non-offset circle hooks north of 28° N. latitude and require the use of non-stainless-steel hooks south of 28° N. latitude. Staff will also present current outreach and education efforts to encourage best fishing practices for reef fish, including the voluntary use of descending devices.

## 2. Activities Related to Artificial Reef Programs.

### *Florida Artificial Reef Construction*

From January through September 2020, there were 57 new patch reefs created from a total of 68 artificial reef deployments state-wide that were comprised of 39 prefabricated concrete module deployments (343 modules totaling 1,153 tons), twelve secondary-use concrete material deployments (5,935 tons), two vessel/barge reefs (276 tons), and 15 limestone boulder deployments (5,469 tons). Of the 68 artificial reef deployments, 44 (65%) were funded by the Florida Fish and Wildlife Conservation Commission (FWC) and 24 (35%) were funded by local government, non-government organizations, and private sources.

The FWC funded artificial reef construction projects were completed utilizing funds from the State of Florida Marine Resource Conservation Trust Fund, the U.S. Fish and Wildlife Service's Federal Sport Fish Restoration Program, and the Natural Resource Damage Assessment (NRDA) Early Restoration Phase III, Florida Artificial Reef Creation and Restoration Project.

### *Florida Artificial Reef Monitoring and Research*

From January through September 2020, a total of nine artificial reef monitoring projects managed by the FWC Artificial Reef Program were completed or ongoing. Five artificial reef monitoring projects took place off the Gulf Coast and four off the Atlantic Coast. These include the following projects:

#### Ongoing:

- Oriskany Reef Fish PCB Monitoring Project (Northwest Florida – Gulf)
- Taylor County Volunteer Artificial Reef Monitoring Project (Central Florida – Gulf)
- Artificial Reef Fish Community Dynamics Research, USF (Central Florida – Gulf)
- St. Marks Artificial Reef Monitoring Project, FSU (Northwest Florida – Gulf)
- St. Johns River Artificial Reef Monitoring Project, JU (Northeast Florida – Atlantic)
- Economic Impact and Valuation of Southeast Florida Artificial Reefs, NOAA (Southeast Florida – Atlantic)
- Aquarius Reef Base Predatory Behavior Monitoring Project, FIU (Southeast Florida – Atlantic)
- Depredation and discard mortality of Permit Monitoring Project, FIU (Southeast Florida- Atlantic)

#### Completed:

- Sarasota Bay Artificial Reef Monitoring Project (Southwest Florida – Gulf)

### *Florida Artificial Reef Outreach*

From January through September 2020, FWC Artificial Reef Program and Florida Sea Grant have been coordinating planning for the Florida Artificial Reef Summit. Originally planned for April 8-10, 2020 in Melbourne, FL, the Summit is now planned for November 4-6, and has been changed to a virtual format due to COVID-19. Held every five years, approximately 200 attendees representing local governments and other stakeholders including some artificial reef managers from other states are expected to participate. The theme of the 2020 Summit is "Bringing the Future of Florida's Artificial Reefs into Focus". Over 54 abstracts for oral and poster presentations will be presented, including marine fisheries management, impacts of natural disturbances (e.g., hurricanes & harmful algal blooms), environmental mitigation, human dimensions, socioeconomics, tourism, and regulatory policy. Florida's success and forward-thinking development of artificial reefs can be attributed to the long-standing partnerships and exchange of ideas and lessons learned that have been fostered by the Florida Artificial Reef Summit. In addition to the main virtual Summit platform, the Summit will also be broadcast live and video of each presentation to be available for viewing later on the Florida Sea Grant webpage under 'Workshops and Summits': <https://www.flseagrant.org/fisheries/artificialreefs/>.

### 3. Activities Associated with the Gulf of Mexico Crab Fisheries.

Florida's blue crab landings through 2019 suggest a continuation of landings volume below its historic average, beginning in 2000. The 2019 landings are the highest since 2012 and appear to follow the historical cycle of 5-10-year intervals of landings "lows" and "highs" (Appendix A). The complete GSMFC Crab Subcommittee State Report for Florida is attached to this report as Appendix A.

### 4. Activities Related to Fisheries Dependent Data Collection.

On March 25, 2020, all field work related to fisheries dependent monitoring activities was suspended in response to the emerging Covid pandemic. The following is a summary of how data collection programs were impacted in the months that followed.

#### *Recreational Fisheries*

Assignments for the MRIP access point angler intercept survey, Gulf Reef Fish Survey, and FIN Biological Sampling were cancelled entirely during April and the first half of May in response to state lock-down orders. During April and May, recreational fishing in the Florida Keys was severely restricted due to a checkpoint on Highway 1 that only allowed entry to residents, and recreational boating was restricted in Dade and Broward

Counties in an effort to control large gatherings. However, throughout the rest of the state, very high fishing pressures were recorded at sites while angler interviews were suspended. Dockside surveys resumed in mid-May during phase 1 of Florida's re-opening once personal protective equipment could be procured. New safety protocols during phase 1 included a cap of 10 angler intercepts per assignment to limit potential exposure and transmission. However, many assignments continued to be cancelled at sites that were closed, where boating activity was restricted, and at sites with very high levels of recreational fishing and boating activity where it was unsafe for staff to conduct interviews with the public. Florida's phase 2 re-opening began in early June and the interview cap was increased to 50 anglers per assignment. Phase 2 re-openings were delayed until mid-September in Southeast Florida due to higher Covid transmission rates. All interview caps were lifted in September during phase 3 of Florida's re-opening.

Surveys that monitor fishing effort continued without interruption during the pandemic. Weekly sample sizes for the MRIP For-Hire Telephone Survey were increased to 20% of charter vessels in sample frame during Wave 3, and 15% during Wave 4. Increased sampling was requested by FWC to ensure that impacts due to covid-19 on charter fishing effort in Florida could be well documented. The mail survey for the Gulf Reef Fish Survey also continued without interruption.

In July, 2020, long-term funding to continue Florida's Gulf Reef Fish Survey (GRFS) and expand it statewide was included in the State budget signed by Governor DeSantis. The survey was renamed the State Reef Fish Survey (SRFS), and the mail survey questionnaire was modified to allow fishing effort to be reported along Florida's Gulf and Atlantic coasts. FWC worked with NOAA Fisheries to incorporate supplemental intercept assignments in the monthly sample draw for the MRIP APAIS. In addition to the suite of reef fish species included in the GRFS, three new reef fish species will be monitored in the statewide survey: Hogfish, Yellowtail Snapper, and Mutton Snapper. The recreational season for Red Snapper was open along the Gulf Coast of Florida June 11 through July 25. Landings in June were monitored through the GRFS and 31% of the State's annual catch limit was landed during the first 20 days of the season. The June GRFS estimate was made possible by NOAA Fisheries, who shared MRIP APAIS intercept data with FWC while they continue to address data gaps due to Covid-19 and work on a solution to generate Wave 3 estimates. The state will generate the July landings estimate through the SRFS (using identical methods to GRFS) once MRIP APAIS data are available in mid-October. In the interim, FWC provided management advice in-season by employing a predictive model that uses sample weights from angler interview data collected through supplemental SRFS intercept assignments, which project total landings before final estimates are available.

### *Commercial Fisheries*

Since early 2017, Florida FWC has been working with Bluefin Data, along with Texas, on the development of a new web-based wholesale dealer reporting application (VESL). In Florida, VESL is now used in conjunction with a point of sale swipe card system which uses mobile devices such as smart phones and tablets along with mobile/desktop card readers and/or a barcode scanner to validate license and vessel data from the fisher's license card and initiate the electronic trip ticket for the fisher-dealer landing transaction. A state-only version of VESL has been in production since April 2019 and Florida now has 90+ dealers registered for the web-based application. The full version of VESL with the federal fields is expected to be ready for production by October 31, 2020.

Florida is also currently participating in a Gulf-wide project collecting shrimp size and weight data from commercial fishing trips for evaluating current head-on/head-off shrimp conversion factors. The original completion date for sampling on this project is by October 31, 2020. As of September 24, 2020, commercial field staff have collected 1,371 samples of the primary Gulf shrimp species in Florida. The sampling target for pink shrimp, which constitutes 85-90% of Florida Gulf shrimp landings, has been met. Difficulties in getting samples of brown and white shrimp include fewer trips for sampling opportunities, along with the primary season being late-spring-summer which was highly affected by a temporary stoppage, and then reduced sampling during this time due to COVID-19. To date, no white shrimp have been encountered, and only 116 brown shrimp samples have been collected.

The 2019 commercial landings information are complete as of July 31, 2020, and subject to revision. Preliminary commercial landings for 2020 are complete through about June. As of September 21, 2020, the number of trip ticket records received in 2020 are down about 15% from March-September as compared to the same period in 2019, and down about 18% for the first three months (March-May) since the start of COVID-19 in Florida.

During 2020, Florida FWC commercial field staff continued to conduct bio-statistical sampling for the NOAA Fisheries Trip Interview Program (TIP), though at a reduced level due to COVID-19. Staff were instructed to cease activities as of April 3<sup>rd</sup>, then resumed limited sampling as of May 4<sup>th</sup> and only with appropriate PPE equipment in place. These safety protocols have continued to date. Through August of 2020, sampling of commercial catches along the Gulf coast of Florida accounted for 391 TIP interviews, almost 16,832 fish measured, and nearly 9,019 age structures. While the number of interviews performed so far in 2020 is down 22% as compared to 2019, the number of fish measured is only down 11%. These decreases are primarily due to COVID-19. During periods of non-sampling, staff have filled their time with data entry, site monitoring, and other related tasks. TIP sampling in Florida is funded from a variety of funding sources that include: State of Florida, NOAA Fisheries, Gulf FIN and NFWF.

#### *Southeast Headboat Survey activities supported through Gulf FIN:*

Through March 2020, a total of 90 intercepts were conducted statewide in Florida with 1,636 fish sampled. Florida FWC and NOAA Fisheries halted field sampling activities in the Southeast Headboat Survey as of April 4, 2020 due to COVID-19. To date, no

further dockside sampling has taken place because of the close proximity of field staff to numerous anglers and vessel crew in limited space. During this time, staff have been given other related duties in lieu of field sampling for safety reasons.

#### 5. Activities Related to Fisheries Independent Sampling.

During the current reporting period, the Covid pandemic impacted ongoing fishery independent monitoring activities conducted by the state of Florida. However, Florida has subsequently been able to reinstitute several fishery independent monitoring activities. Completed activities, and summaries of Covid impacts, include:

- Monthly, long-term estuarine monitoring in five Gulf of Mexico estuaries (Apalachicola Bay, Cedar Key, Tampa Bay and Charlotte Harbor) was suspended in April due to the Covid pandemic. Monthly sampling with 21.3-m seines and 183-m haul seines was phased back in between May and June 2020 with full sampling complement in all estuarine systems by July. Sampling with 6.1-m otter trawls was phased back in during the same time but with a bimonthly periodicity to free up funding to conduct bimonthly polyhaline seagrass monitoring.
- Bimonthly sampling in Sarasota Bay was not conducted in April 2020 due to Covid pandemic concerns. Sampling was conducted in June and August with funding shifting from a Sarasota Bay Estuary Program grant to internal FWRI funding from October 2020 through September 2021.
- Supplemental (June – November) polyhaline seagrass monitoring was conducted in five Gulf of Mexico estuaries (St. Andrew Bay, Apalachicola Bay, Big Bend, Tampa Bay, and Charlotte Harbor) using 6.1-m otter trawls; this effort is normally conducted monthly, but due to limitations in available funding, sampling was conducted every other month during 2020.
- Monthly supplemental sampling in the western Panhandle (Pensacola Bay, Santa Rosa Sound, Choctawhatchee Bay, St. Andrew Bay, St. Joseph Bay) using 21.3-m seines was terminated in 2020 as continued grant funding was not available.
- The summer SEAMAP groundfish trawl survey was not conducted due to impacts of the Covid pandemic. We do anticipate conducting a fall SEAMAP groundfish trawl using 12.8-m trawls.
- The annual (May – October) reef fish video and habitat mapping survey was delayed due to impacts of the Covid pandemic; however, we have resumed sampling, and a complete survey was conducted using stationary-baited remote underwater video arrays and side scan sonar to survey artificial and natural reef habitats.
- Processing of survey-related trophodynamics data in support of ecosystem-based fishery management continued.

During this period, we finalized the development of indices of abundance of video survey data for Scamp and Greater Amberjack in association with SEDAR, and compiled an index of abundance for Gray Triggerfish for an interim analysis. We have begun work in association with the upcoming Gag assessment, which will include both an index of abundance of video survey data as well as an examination of potential red tide impacts.

## 6. Other State Activities.

### *Otolith Processing*

On March 9<sup>th</sup>, the FWRI Marine Fisheries Age and Growth lab started the transition into a work-at-home approach to remain on track with processing deadlines. There were varying solutions to ventilation needs required to safely use our liquid coverslip, but a mix of open-air workstations, fans, and even a portable fume hood have all been safely, and effectively utilized. Once safe areas were set up in homes, supplies and equipment were partitioned out to staff so that everyone had an entire lab setup for processing and ageing. Large batches of otoliths were split and assigned to individuals.

Processing and ageing goals are directed on a quarterly basis, but each member completes assignments in their own time and returns to the lab as needed to deliver completed work and grab new samples. Sample batches are reintegrated upon delivery at the lab. Daily progress communications are critical to ensuring there is constant productivity and Microsoft Teams has been essential. We use Teams to QA/QC ageing assignments (live camera from one person on shared desktop), conduct discussions about productivity, challenges and improvements to the offsite system, and do teambuilding activities. As we've progressed into a reopening plan, staff have transitioned to one assigned day a week in the lab embedding small otoliths (which require more chemicals and a stronger ventilation system than can be provided at home). This system works to ensure a constant supply of otoliths available for sectioning at home.

From the start of the offsite transition, the FWRI Age and Growth Lab has processed just over 12,000 and aged nearly 28,000 otoliths. We are on track to have a record ageing year, but a slight reduction in processing. We were able to successfully pivot priorities and turnaround 2019 east coast red snapper ageing for SEDAR73 in the span of a month and a half. We have met all data delivery deadlines and have provided completed ageing for 11 data requests, including multiple SEDARs. Additionally, we've been continuing to collaborate (and publish) with other agencies and universities, have participated in SEDAR68 and SEDAR73, have continued to be active with outreach planning and requests, and provide field assistance and support for our research section. The success of this transition hinges on the flexibility, problem-solving abilities and dedication of our age and growth staff. COVID-19 has been the biggest hurdle ever to cross our paths, but thanks to the hard work and diligence of this team, we've been able to take it in stride and continue moving forward.



## Appendix A.

GSMFC Crab Subcommittee

Florida Report

September 2020

Claire Crowley, Ph.D. and Ryan L. Gandy, Ph. D.

### Blue Crab Landings

Florida’s blue crab landings through 2019 suggest a continuation of landings volume below its historic average, beginning in 2000. The 2019 landings are the highest since 2012 and appear to follow the historical cycle of 5-10-year intervals of landings “lows” and “highs” (Figure 1). Since 2012, statewide landings have been relatively stable, hovering between 6 -8 million pounds. At the time of this report 2020 blue crab landings were very preliminary and therefore, not included. The catch per unit effort (pounds per trip) in Florida Gulf Coast landings has fluctuated for both hardshell and softshell fisheries, but remained relatively stable since 2013 (Figure 2). Florida does not collect recreational blue crab landings.

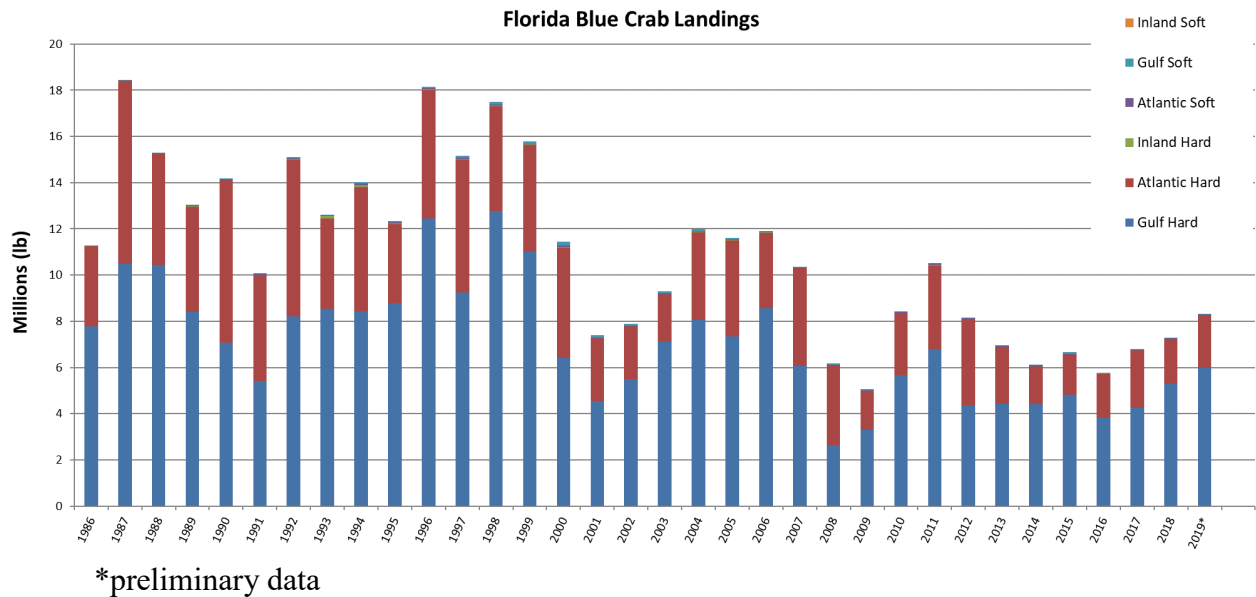
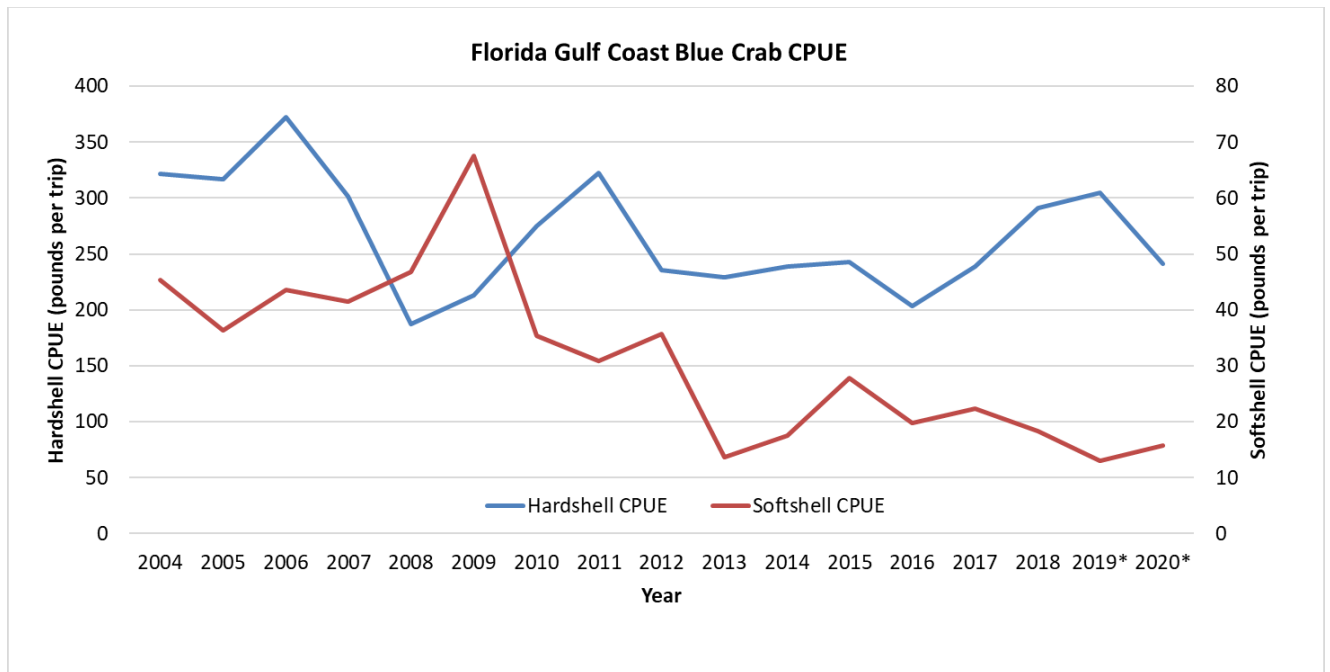


Figure 1. Statewide Florida blue crab landings. Data obtained from Florida Fish and Wildlife Marine Fisheries Information System.



\* preliminary data

Figure 2. Florida Gulf Coast blue crab catch per unit effort (pounds/trip). Please note that 2019 and 2020 years are preliminary. Data obtained from Florida Fish and Wildlife Marine Fisheries Information System.

### Management Actions

Starting in 2020, all recreational traps used for blue crab and stone crab fishing must be registered with the state. The registration system is an online registration that generates unique tag numbers that the fisher must affix to their traps. Five unique identification numbers are generated for each trap type (blue crab or stone crab) that a registration holder indicates that they intend to fish. This will allow the state to identify gear and provide a population of recreational fishers that will be surveyed in future years to gauge the effort. At the time of this report, there were 29,113 recreational blue crab trap registration holders and 23,530 recreation stone crab trap registration holders.

### Petition for use of Terrapin Excluder Devices (TEDs)

The Florida Fish and Wildlife Conservation Commission (FWC) was petitioned by the Center for Biological Diversity, Florida Turtle Conservation Trust, and Diamondback Terrapin Working Group in January of 2020 to protect Diamondback Terrapins (*Malaclemys terrapin*) from mortality in blue crab pots. The FWC Division of Marine Fisheries Management (DMFM) has reviewed the petition and is conducting stakeholder workshops to present potential rule changes that would to reduce possession limits and require the use of bycatch reduction devices (BRDs) in commercial and recreational blue crab traps. If the DMFM decides to move forward with rulemaking changes it will be presented to the commission in December 2020.

**Alabama State Report  
Gulf States Marine Fisheries Commission's  
Fall 2020 – Online meeting**

**Emerging Issues Pertinent to Gulf of Mexico Fisheries.**

**1. Regulatory**

The Reef Fish Endorsement was promulgated by the Commissioner of the Department of Conservation and Natural Resources last year. The Reef Fish Endorsement will be required for any person possessing, taking or attempting to take any gulf reef fish species listed in Rule 220-3-.46 including all triggerfish, snapper, grouper, tilefish, jacks (includes banded rudderfish but not crevalle jack) wrasses and hogfish. This endorsement is required for all resident and non-resident anglers 16 years of age and older, and includes disabled, veteran's appreciation, 65 and older, lifetime license holders, pier licenses, annual saltwater licenses, trip licenses, commercial fishermen, and charter boats. Nearly 24,000 Reef Fish Endorsements were sold to recreational anglers and 220 and 34 endorsements were associated with charter and commercial vessels, respectively during the first year of the endorsement requirement. The sale of the endorsement will provide a database of addresses/contact information of anglers who target reef fish from which specialized surveys to determine fishing behavior and spending for reef fish fishing activities may be conducted. In addition, the revenue collected from the sale of the endorsement will be used to support future fishery-dependent and -independent sampling activities related to reef fish management.

To help take the guesswork out of purchasing licenses, the Alabama Department of Conservation and Natural Resources now offers packages that cover all of the necessary license requirements needed when hunting or fishing the state's abundant opportunities for freshwater and saltwater species. All packages are available in both a resident and non-resident packages.

**Activities Related to Artificial Reef Programs.**

Phase II of the National Fish and Wildlife Foundation Alabama Artificial Reef and Habitat Enhancement Project continues to provide funding for reef fish habitat enhancement and monitoring projects in the inshore, nearshore, and offshore waters of Alabama.

The Alabama Marine Resources Division (AMRD) continues to coordinate with BOEM, USACE, and NMFS for authorization to designate approximately 110 square miles of water bottoms as artificial reef zones. A \$742,724.42 contract to perform a Phase I cultural resource survey of the proposed water bottoms has been executed and the remote-sensing data collection component is expected to be completed by November 1, 2020, a formal consultation with NMFS is likely to be initiated to evaluate the project's impact on threatened and endangered species.

Approximately 48 square miles between 6 and 10 miles offshore of Baldwin County, approximately 62 square miles between 10 and 20 miles offshore of Mobile County, and four reef sites in Mobile Bay will be enhanced with reef structures to provide habitat for various estuarine and marine reef-associated finfish after federal regulatory requirements are satisfied.

Three circalittoral reef zones offshore of Baldwin County beaches were enhanced with 327 anchored reef modules. A \$1,140,000 contract to build, transport, and install the shallow-water, anchored reef modules was executed, and construction was completed in July 2020. The shallow-water reef modules will provide habitat for a wide range of shallow-water reef associated finfish such as Sheepshead, Gray Snapper and flounder.

## **Activities Associated with the Gulf of Mexico Crab Fisheries.**

No derelict trap collection program is scheduled, but AMRD will continue to monitor the number of derelict traps.

## **Activities Related to Fisheries Dependent Data Collection.**

### **1. APAIS**

AMRD continued the collection of dockside Access Point Angler Intercept Survey (APAIS) interviews and validation of charter vessel activity. From January 1, 2020 through August 31, 2020, AMRD samplers completed a total of 264 out of 361 APAIS assignments and out of the completed assignments, 2,260 anglers were interviewed. During the reporting period, a total of 97 of 361 (27%) scheduled assignments were cancelled in response to the COVID-19 pandemic. These cancellations mainly occurred between March and April. Intermittent outbreaks of COVID-19 occurred when sampling resumed in May which resulted in some scheduled assignments being cancelled. Semi-annual training and fish tests were given to APAIS staff in February and August.

### **2. Biological sampling**

AMRD continued operation of the Biological Sampling Program for the collection of otoliths from recreationally harvested marine finfish. Samples were not collected during the last two months of the previous grant cycle (Jan-Feb 2020) due to a lack of funds available at the end of 18-month budget period. Sampling resumed on March 1 with the start of the next funding cycle. From March 1, 2020 through August 31, 2020, a total of 791 sets of otoliths with 57 additional length measurements representing 12 out of 13 primary target species were collected by AMRD's staff. The COVID-19 pandemic impacted biological sampling activities during the

months of March and April resulting in 24 cancelled assignments and a reduction in hard parts collected especially for seasonally caught finfish such as Gray Triggerfish.

### **3. Snapper Check**

Private recreational red snapper landings from Snapper Check through August 31 of the 2020 season was 948,688 lbs. while landings for state charter anglers was 45,404 lbs. Approximately 128,500 lbs. remain in the 2020 quota and a three-day extension is planned for Oct. 10-12. A total of 6,646 vessel landing reports were submitted by private recreational anglers and 537 landing reports were submitted by representatives on state-licensed vessels. Although samplers used caution while conducting sampling activities during COVID-19, over 1,100 Red Snapper from private recreational vessels were weighed from 272 vessels through August 31. An estimated 37.1% of private recreational vessel trips landing Red Snapper in Alabama were reported through Snapper Check. Beginning in 2021, recreational anglers landing Gray Triggerfish or Greater Amberjack in Alabama must report their catches through Snapper Check. Nearly 24,000 Reef Fish Endorsements were sold during the first year. The sale of the endorsement will provide a database of addresses/contact information of anglers who target reef fish from which specialized surveys to determine fishing behavior and spending for reef fish may be conducted. In addition, the revenue collected from the sale of the endorsement will be used to support future fishery-dependent and -independent activities related to reef fish management. Snapper Check continued into October with an extension of the Red Snapper season.

### **4. Shrimp conversion**

The AMRD is participating in a project with the Gulf States Marine Fisheries Commission (GSMFC), other Gulf States, and federal partners to validate commercial conversion factors of processed brown and white shrimp. Samples were collected from Alabama seafood dealers during the report period and data analysis should be completed by December 2020.

## **Activities Related to Fisheries Independent Sampling.**

### **1. Shellfish**

AMRD biologists continue to monitor oyster densities on Alabama's public oyster reefs. From May 28, 2020 through August 11, 2020, a total of 230 SCUBA quadrat samples were collected and processed. Samples were collected from reefs that were planted with cultch between 2013 through 2016 and from non-planted reefs for comparison. Low densities of legal-sized oyster were observed on many of the reefs surveyed though the density of legal-sized oysters increased slightly compared to the 2019 quadrat survey. The densities of oyster spat and sublegal oysters were lower in 2020 than in the 2019 quadrat survey results. The lower spat and sublegal oyster densities are most likely due to extended periods of low salinity caused by fresh water from high rainfall flowing over the main reefs in the spring of 2020. From February 12, 2020 through May 8, 2020 the lower Mobile Bay reefs had 73 days below 5

ppt. There was also a 24-day low dissolved oxygen (<4 mg/L) event between June 19, 2020 and July 13, 2020. Oyster drills were present in quadrat samples but not in high abundance possibly due to the extended fresh water in the spring. Prior to Hurricane Sally, data analysis showed that several areas in the Heron Bay, Cedar Point West, and Cedar Point East management zones had higher densities of legal-sized oysters from previous years. Public reefs were sampled with a hand dredge within two weeks after Hurricane Sally made landfall and samples indicated there was little loss of adult oysters. The 2020 oyster season was to open October 12<sup>th</sup>. Commercial oyster reef harvest results will be included in the update for spring 2021.

The AMRD obtained Natural Resources Disaster Assessment (NRDA) funding for the construction of an Eastern oyster hatchery and remote larval setting facilities. Construction should begin in spring of 2021 with oyster spat production anticipated spring of 2022.

## **2. SEAMAP**

Spring and summer activities were completed for bottom long line and vertical line surveys. The summer trawl cruise was cancelled due to logistics associated with COVID-19. Staff from Alabama and Mississippi have worked together and completed fall trawl sampling October 1-5 from the Mississippi River to Panama City in an effort to maximize the use of funding. Trawl scientists have participated in an invertebrate identification webinar series (Aug-Sep), in lieu of attending a workshop. Fall bottom longline sampling in waters less than ten meters in depth was completed at three stations during September. Catches across all seasons were comprised of twelve species with Atlantic Sharpnose Shark being the most abundant. Vertical line summer sampling completed 29 stations; catches comprised of seven species totaling 91 fish with Gray Triggerfish and Red Porgy being the next most abundant species after Red Snapper. The AMRD scheduled the Fall SEAMAP ichthyoplankton survey off Alabama for September 2, 2020 but due to the COVID-19 pandemic, NOAA cancelled all ichthyoplankton cruises.

## **3. Inshore Gillnet**

From August 2019-July 2020 gillnet sampling was conducted each month using small mesh perpendicular sets ranging with mesh from 2-4 inches, and large mesh parallel sets ranging with mesh from 4.5-6 inches. A total of 232 hour-long sets were completed with a total of 51 different species sampled comprising 10,411 observed individuals. Weather issues and protected species interaction issues prevented us from completing the full 240 sets normally conducted within a year. Nearly 1,200 otoliths were collected from captured individuals and measurements of corresponding length, weight, sex, and gonads weight were taken. A total of 25 thirty-minute gillnets were set randomly before or after standard hour-long sets to determine the effect on catch rates and whether the sampling protocol can be modified to accommodate shorter net sets. Whole specimens of gilled/wedged Gulf Menhaden were collected at 10 individuals/mesh/month in order to age them through scales by trained staff members.

<b>Species</b>	<b>Caught</b>	<b>Otolith</b>	<b>CPUE</b>
Spotted Seatrout	268	252	1.155
Striped Mullet	261	213	1.125
White Mullet	502	228	2.164
Sheepshead	15*	17*	0.065
Gulf Flounder	0*	2*	0
So. Flounder	3*	10*	0.013
Red Drum	40	31	0.172
Atl. Croaker	372	152	1.603
So. Kingfish	24	22	0.103
Spanish Mackerel	181	140	0.78
Black Drum	34*	39*	0.147
Gulf Menhaden	5501	0	23.711
Red Snapper	0	0	0
Sand Seatrout	78	78	0.336
Lane Snapper	0	3	0
Gray Snapper	8	6	0.034
Bluefish	2	1	0.009
Cobia	1	1	0.004
Tripletail	1	1	0.004
Fl. Pompano	5	3	0.022
<b>Total</b>	<b>7296</b>	<b>1199</b>	

Combined catch from AMRD fishery independent gillnets in FY2019, 116 small mesh (2"-4") sets and 116 large mesh (4.5"-6") sets. \*Additional otolith samples collected from fishery-independent trawls.

## Other State Activities.

### 1. Mariculture

Stock enhancement efforts continued at the Claude Peteet Mariculture Center (CPMC). Approximately 10,300 Florida Pompano (*Trachinotus carolinus*) and 58,400 Spotted Seatrout (*Cynoscion nebulosus*) were released into coastal Alabama waters between April 1<sup>st</sup> – September 30<sup>th</sup>. Although staffing of the hatchery was impacted by Covid-19, most operations were still able to take place. An additional thirty-five Southern Flounder (*Paralichthys lethostigma*) broodstock were collected from a local fishing tournament and a jubilee event. Spawning activities for Southern Flounder will resume in December of 2020.

In addition to fish culture activities, the CPMC staff completed the renovation of broodstock rearing systems. The intent was to use these systems to increase broodstock maturation capabilities to improve the chance of spawning success. Unfortunately, Hurricane Sally destroyed the greenhouse structure housing the systems, rendering them unusable for the time being.

## **2. Boating Access**

The AMRD has plans to improve the parking area at Delta Port boat launch in Fiscal Year 2021 to maximize available space for parking. In addition, the boating access facilities at Little Billy Goat Hole boat ramp on Dauphin Island and the boat ramp at the Bayou La Batre State Docks will be improved in FY2021.

## **3. Outreach**

The AMRD Fisheries section was able to conduct one outreach event during the report period. Typically, during this time period five outreach events are conducted including Delta's Woods and Water Expo and Gulf State Park's Shark Week. However due to the COVID-19 pandemic, these events were canceled. The Alabama Seafood Marketing Program continued with public relations, television commercials, print ads and articles, radio ads, billboards, distribution of marketing materials and sponsorships of events. The marketing program's website is [www.eatalabamaseafood.com](http://www.eatalabamaseafood.com).

## **4. Enforcement**

From February 2020 through August 2020, AMRD enforcement officers conducted 1,192 commercial fishermen intercepts, 9,056 recreational fishermen intercepts, 700 seafood dealer and processor inspections, 8,239 hours of patrol (combined vessel patrol and shore patrol) and boarded 2,928 vessels.

Due to the Covid-19 pandemic, the Enforcement Section's participation in outreach events has been greatly reduced. The Enforcement Section has managed to participate in two live outreach events during this time, both were quite successful considering the circumstances.

In May 2020, the Enforcement Section received final approval to move ahead with implementing the expansion of the Coastal Remote Monitoring System that was partially paid for with Port Security Grant 2018 funding, totaling more than \$313,000. This expansion will update and expand the capabilities of the current system, a network of video cameras throughout coastal Alabama. Several new camera locations as well as higher resolution cameras along with a more robust communications system will be coupled with a much larger storage capacity that provides a much higher quality video as well as the ability to store the video archives longer. The construction and additions to the current system under this phase of enhancement were completed in August 2020.

The Enforcement Section, along with the Fisheries Section, was awarded a grant that will be used for both monitoring and protecting marine mammals and marine turtles. This grant will provide specialized monitoring equipment to monitor turtle nesting areas and established nesting sites. Along with turtle nesting and protection, the grant provides funding to educate the public about marine mammal interactions with people and to help enforce current laws related to this interaction. The award will provide remote cameras that are solar/battery-powered that feed into



our existing monitoring system. These cameras will help track turtle movement and also monitor known nesting sites. Also, the grant provides funding for personnel and equipment to enhance public education on both marine mammals and marine turtles.

## **Derelict Trap Retrieval Program**

The trap retrieval program continues to operate on the Gulf Coast during odd numbered years, and the Atlantic coast during even numbered years. Prior to derelict trap collection regions are closed to all trap fishing and all “actively fished” traps must be removed by recreational and commercial fishers. It is common for trap closures to be cancelled to alleviate economic hardships associated with hurricanes, red tides, or lack of derelict gear present. In 2019, 685 blue crab traps were collected along the Gulf Coast of Florida and through Broward county. The ratio of commercial to recreational traps was unavailable.

Gulf States Marine Fisheries Commission  
 Technical Coordinating Committee  
 Mississippi State Report (January 1, 2020 – June 30, 2020)

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# 1. Emerging Issues Pertinent to Gulf of Mexico Fisheries

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## Bonnet Carré Spillway Opening

The Bonnet Carré Spillway, located in Norco, Louisiana, is used to divert flood waters of the Mississippi River through Lake Pontchartrain and Lake Borgne into the Mississippi Sound. The US Army Corps of Engineers' (USACE) operates the spillway when river flows at New Orleans are at 1.25 million cubic feet per second. The USACE opened the spillway on April 3, 2020 through May 1, 2020.

In May of 2020, the United States Secretary of Commerce allocated \$21,311,804 in fishery disaster funding to Mississippi to help businesses and individuals recover from the unprecedented freshwater flooding caused by the 2019 opening of the spillway. Spending plans for these funds are currently in development.

## Oyster Impacts

As a result of the 2019 spillway openings, the oyster resources in the western Mississippi Sound experienced near 100% mortality, which was followed by little to no recruitment of spat to aid in the recovery of the oyster resources. Subsequent efforts by Shellfish Bureau (SB) staff to collect oyster samples to monitor the effects and recovery of oysters affected by the 2020 opening of the Bonnet Carré Spillway were minimized, since the resource had not shown many positive indications of recovery. Oysters were sampled across all major reefs in the Mississippi Sound. Traditionally oyster samples are collected through two methods: square meter dive and one-minute dredge tows. Due to the early season spillway opening and colder water temperatures throughout the Mississippi Sound, square meter dive samples could not be collected until later in the year. In April and June, Staff collected 21 one-minute dredge tow samples and analyzed the data to track oyster mortality, condition, and recruitment. Overall, the oyster resources in the western Mississippi Sound indicated no new recruitment of spat while experiencing additional mortality at a rate of between 75-90% mortality across all size classes of remaining oysters. Oyster mortality in the eastern Mississippi Sound was observed to be within the range of what would be considered normal, natural mortality. Some new recruitment of spat was observed in the samples collected from the eastern Mississippi Sound; however, recruitment was minimal.

## Shrimp and Crab Impacts

In response to the 2020 openings of the Bonnet Carré Spillway, Shrimp and Crab Bureau (SCB) staff completed 29 trawl samples and 32 hydrological condition samples in the western Mississippi Sound from April to May. These data are important in monitoring potential short-

term trends in abundance during and immediately following spillway operation. Hydrological data including salinity, temperature, turbidity, and dissolved oxygen were collected at the surface and bottom at each station during each sampling event.

## COVID-19

The emergence of a global pandemic in the Spring of 2020 negatively affected multiple stakeholders of Mississippi's marine fisheries. The Coronavirus Aid, Relief and Economic Security (CARES) Act appropriates \$1,520,087 to fisheries participants suffering economic losses greater than 35% compared to the previous five-year average. MDMR is currently developing a spending plan for these funds.

## 2. Activities Related to Artificial Reef Programs

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The Artificial Reef Bureau (ARB) continued monthly monitoring of fish assemblages and physiochemical parameters at selected inshore reef sites. ARB staff collaborated with the Mississippi Gulf Fishing Banks to monitor artificial reefs via roving SCUBA diver surveys. Divers conducted 12 surveys January through June 2020. In conjunction with the Gulf States Marine Fisheries Commission (GSMFC), the third annual Jimmy Sanders' Memorial Lionfish Challenge began May 1, 2020 and will run through December 1, 2020. Biological data as well as harvest location are collected for each fish.

ARB staff continued efforts to renew permits for all nearshore artificial reefs, keys, and the Cat Island artificial reef zone.

## 3. Activities Associated with the Gulf of Mexico Crab Fisheries

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### Escape Rings and TED's

Utilizing NOAA Fishery Disaster funds from the 2011 opening of the Bonnet Carré Spillway, the MDMR has been able to provide 71,984 crab trap escape rings and 7,216 terrapin excluder devices (TED's) at no cost to resident crab fishermen. Two thousand forty-two escape rings and 144 TED's were distributed between January and June 2020.

## Terrapin Interactions

Staff continued to manage the Terrapin Reporting App program through March 31, 2020 when the program was completed. The app was used to collect information from the commercial Blue Crab fishery on observations of diamondback terrapins. The program included 34 participating commercial crab fishermen who provided data to MDMR staff through a mobile app on number of traps fished, fishing location, soak time, and if terrapins were observed. Approximately 576 reports were submitted by participants from January to March 2020 and approximately 6,048 reports were submitted since the project began in October 2017.

## Red Drum Stomach Content Analysis

The SBC has been analyzing stomach contents of Red Drum to better understand the percentage of their diet that consists of Blue Crab. This project provides data on the current foraging habits by size class, habitat type and time of year. To date, a total of 699 Red Drum have been sampled and processed (length, weight, sex, and age). Stomach content analysis has been performed on 483 Red Drum, ranging in size from 199 - 1126 mm total length (TL). Of the stomachs examined, 372 (77.0%) contained prey items that were identifiable to the lowest possible taxa. The stomach contents of all size classes (juvenile n = 125, sub-adult n = 108, adult n = 139) consisted primarily of fishes and decapod crustaceans. A very small number of gastropods, mollusks, and echinoderms were identified but not included in the analysis as they were considered subsidiary forage items. This project is currently in the final analysis and reporting phase, and MDMR staff plans to complete the project by December 2020.

## 4. Activities Related to Fisheries Dependent Sampling

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### MRIP

The Finfish Bureau (FB) continued to oversee the Marine Recreational Information Program (MRIP) in Mississippi. A total of 182 assignments and 918 surveys were completed January through June 2020 in Jackson, Harrison, and Hancock Counties. Survey site validations were conducted at all active sites to update the site registry for 2020 as state-wide site effort estimates continue to be refined and edited to better reflect the most recent and updated charter for-hire license database. This will allow FB staff to develop a more comprehensive and accurate active vessel frame to estimate for-hire effort more precisely.

## Trip Tickets

FB collected commercial landings data from processors, dealers and fishermen utilizing the Mississippi Trip Ticket program. This data allows management of the resource and effective monitoring of the quota on Red Drum, Spotted Seatrout, and Southern Flounder. From January through June 2020, there were 2,507 paper and electronic trip tickets submitted. Mississippi currently has 278 active commercial fishermen and 58 dealers participating in the trip ticket program. The current number of commercial fishermen selling their own catch using a Fresh Product Permit and participating in the trip ticket program is 49. The FB is continuing to work with BlueFin Data developing the electronic trip ticket reporting application known as VESL. Currently, a beta version is being tested by select dealers. A final version is expected to be available by the end of 2020.

## Age and Growth

The FB collected and processed 94 otoliths as part of the MDMR biological sampling program from eight species: Gray Snapper, Red Snapper, Sand Seatrout, Spotted Seatrout, Southern Kingfish, Sheepshead, Striped Mullet, and Southern Flounder.

## Tails ‘n’ Scales

Mississippi’s recreational Red Snapper electronic reporting system, Tails n’ Scales was updated for use in the 2020 season. Under amendment 50c passed by the Gulf of Mexico Fisheries Management Council, Mississippi managed the 2020 recreational Red Snapper season in state and federal waters. The state charter for-hire and private recreational components were managed together this year with a season opening date of May 22<sup>nd</sup>. The federal for-hire season was 62 days, although vessels with federal reef fish permits were not included under amendment 50c. Mississippi’s total annual quota is 151,584 pounds for both the private recreational and state charter for-hire components.

# 5. Activities Related to Fisheries Independent Sampling

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## Finfish Sampling

Long-term fishery independent sampling continued in conjunction with the NOAA Project “Monitoring and Assessment of Mississippi’s Interjurisdictional Marine Resources”. The FB completed 56 gill nets at ten stations to collect finfish species for subsequent age and growth analysis as well as other biological data. A total of 280 otoliths were collected from January through June 2020 and samples were collected from ten different species: Gray Snapper, Black

Drum, Red Drum, Sand Seatrout, Spotted Seatrout, Southern Kingfish, Striped Mullet, Sheepshead, Spanish Mackerel, and Southern Flounder.

Through a project funded by the USFWS Sport Fish Restoration Program, the FB analyzed data from ten pop-up satellite tags that were deployed on Atlantic Tripletail in the fall of 2019. Data analyzed included fish movements, water temperature and depth usage for each satellite tag deployment.

The Fyke Net sampling program, used to target Southern Flounder, resumed in May 2020 and will continue through November. Traps were set and retrieved from three stations (Deer Island, Belle Fontaine Beach, and Davis Bayou). A total of eight sampling events occurred within the timeframe, and 18 Southern Flounder were collected. Other species observed in the traps include Blue Crab, Hardhead Catfish, Red Drum, Spotted Seatrout, Atlantic Croaker, Black Drum, Spot, Southern Kingfish, Atlantic Spadefish, Gray Snapper, Sheepshead, Striped Mullet, and Atlantic Stingray.

The FB, in conjunction with the Gulf Coast Research Lab (GCRL), is currently in year five of sampling for the NFWF Reef Fish project. Due to impacts from COVID-19, both entities were forced to engage in limited sampling efforts throughout the timeframe. From March through June, 34 sites were sampled by MDMR and 18 sites were sampled by GCRL for a total of 52 sites.

### Shrimp and Crab Sampling

The SCB continued to conduct monthly fishery independent trawl sampling under the project “Monitoring and Assessment of Mississippi’s Interjurisdictional Marine Resources”. This sampling program includes six fixed stations located along a transect from western Horn Island to Bernard Bayou, and eight fixed stations in the western Mississippi Sound from Gulfport to Heron Bay. A total of 84 trawls were completed from January to June 2020.

The SCB continued fishery independent trap surveys for Blue Crabs within the three major bay systems – St. Louis Bay, Biloxi Bay, and the lower Pascagoula River. Each bay system was sampled monthly from January to June 2020 for a total of 18 sample sets. This program, which began in 2015, provides data on CPUE, sex composition, abundance of Blue Crabs, and bycatch composition.

### Shellfish Sampling

The Shellfish Bureau conducted an annual oyster stock assessment of 14 reef complexes located in the Mississippi Sound between the mouth of the Pearl River and the Pascagoula River. Reef assessments help to determining a sustainable harvest, monitor predation and disease, calculate mortalities and recruitment, record environmental conditions including



hydrology and bottom type, and determine where and how to focus future restoration efforts. Square meter dive samples are employed to provide a quantitative assessment of each reef across the entire spectrum of oysters' sizes to achieve the assessment goals. Random points were selected for each reef based on reef size and reef density variations. A total of 98 sampling locations were created with 2 replicate dives performed at each location for a total of 196 square meter samples across the 14 reefs. Data is currently being analyzed for the 2020 oyster reef assessment.

## 6. Other State Activities

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### State Records for Recreational Fishing

A total of 11 recreational fishing records were approved as state records between January 1 and June 30, 2020. An all tackle category was added and had five approved record submissions: Red Hind (spear), Spanish Hogfish (spear), African Pompano (spear), Ocean Triggerfish (spear), Highfin Goby (castnet). There were four Conventional Tackle approved record submissions: Knobbed Porgy, Spanish Flag, Yellowfin Tuna, Ladyfish. There were also two Youth Records approved during the timeframe: Vermilion Snapper and Spotted Seatrout.

### Shrimp Studies

The SCB participated in a GSMFC funded research project to develop more accurate weight conversions for commercially important shrimp species. The project included procuring samples from the shrimp industry, collecting head-on, head-off, and peeled/deveined weights and lengths and determined conversion factors by species and count size. SCB staff processed a total of 1,046 shrimp. Sample collection continued through June 2020, and the project is planned to be completed by December 2020.

### Shrimp Inspections and Permits

The SCB manages the live bait shrimp licensing program. Inspections and technical assistance were provided, as needed, to the 10 licensed dealers across Mississippi's three coastal counties. The SCB also manages the MDMR Special Permitting program which includes Scientific Research Permits, Brood Stock Permits, Non-profit Harvesters Permits, and Experimental Gear Permits. SCB staff issued 25 Special Permits from January to June 2020.

## Oyster Aquaculture

The MDMR began training the third class of Off-Bottom Oyster Aquaculture Program (OBOA) in 2020. The class teaches potential and current commercial oyster farmers the basics of off-bottom oyster aquaculture. Topics in the course include oyster biology, hatchery basics, nursery options, seed handling, farm site selection, overview of off-bottom culture gear, methods to control fouling, splitting, and grading, business planning, risk management, permitting, public health considerations and marketing. Twenty-two participants are currently enrolled in the program and approximately 250,000 oysters are being grown through the program. Private lease applications are currently being submitted to Mississippi's Secretary of State for approval. Twenty-six participants from the first and second OBOA class have signed Public Trust Tidelands Sub-leases for a total of 55 acres leased inside the MDMR Commercial Aquaculture Parks. Commercial operations harvested approximately 430,000 oysters in 2019 and 2020.

## Shellfish Management

The goal of the shellfish sanitation and compliance program is centered on monitoring fecal coliform indicator organism levels within shellfish growing waters. Routine sampling of shellfish growing waters and investigative sampling of consistent fecal coliform hotspots help minimize the risk of seafood borne illnesses and aid in determining sources of pollution along the coast. SB staff and an FDA certified lab work within the guidelines of the National Shellfish Sanitation Program Model Ordinance, to meet this goal. A database of all lab analyses is maintained and used during annual evaluations of all shellfish growing waters in Mississippi as required by this same document. From January 1 to June 30, 2020, 392 routine samples, two hatchery samples, and 75 investigative samples were collected. The Mississippi Coast is split into eight different growing water areas. Each area is sampled once a month throughout the year. The state-run aquaculture hatchery, located adjacent to the Gulfport Harbor, also collects samples to determine how fecal coliform levels affect oyster settling. Investigative sampling occurs at a location that has a history of high fecal coliform levels and not open to shellfish harvest. SB staff take samples at multiple sites several times during a 12-hour period. This sampling is conducted to determine where the pollution source is located and how the polluted water moves in relation to the oyster resource location.

## Seafood Technology Bureau

The Seafood Technology Bureau (STB) conducted a total of 179 inspections (routine, follow-up, and certification inspections). A total of 59 sanitation and Hazard Analysis Critical Control Point (HACCP) deficiencies were cited. The required bi-annual water quality sampling for seafood processing facilities for March was completed with a total of 40 samples taken.

All interstate and intrastate oyster shipping/processing operations were re-certified except for one facility. This was due to travel restrictions per the coronavirus (COVID-19). FDA extended

certification for the facility to April 2021. On-site inspection will be conducted when possible. Staff distributed over 200 personal protective equipment (masks) to the seafood industry.

The STB originally planned to host five HACCP workshops and two Sanitation Control Procedures (SCP) workshops in 2020. As of June, only one class was completed with 15 participants. Due to COVID-19 restrictions, several workshops had to be cancelled (one HACCP and one SCP).

Gulf States Marine Fisheries Commission  
Technical Coordinating Committee  
2020 Louisiana Fall State Report

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## Emerging Issues Pertinent to Gulf of Mexico Fisheries

### *COVID-19 / CARES Act*

The World Health Organization (WHO) declared COVID-19 a pandemic on March 11, 2020. COVID-19 directly affected the United States (US) economy due to Stay at Home orders and the closing of all nonessential businesses. The US government acted quickly to assist the public when Congress passed the CARES Act and it was signed into law by President Trump on March 27, 2020. The CARES Act was an over \$2 trillion economic relief package that contained \$300 million for the US Secretary of Commerce to provide to affected fishery participants. Louisiana is to receive a total of \$14,785,244 in economic assistance for eligible fishery participants. The GSMFC will administer economic assistance to the eligible participants in LA through direct payments based on the approved LA Spending Plan.

### *Oyster Lease Moratorium*

The Louisiana Wildlife and Fisheries Commission (LWFC) has approved a notice of intent for lifting the oyster lease moratorium. This public comment period has passed and the new regulations have been ratified. Currently, LDWF is coordinating with the Office of State Lands (OSL) and the Coastal Protection and Restoration Authority (CPRA) to work through Phase 0 oyster lease applications which is expected to conclude in the third quarter of 2021.

## Activities Related to Artificial Reef Programs

### *Offshore*

LDWF's Artificial Reef Program continues to assess and permit reef deployments related to offshore oil and gas structures. The Program has accepted four new structures. There are 38 structures permitted for deployment as permanent artificial reefs, and one new reef site has been recently proposed. Permitting of an additional 4 structures is currently underway. The Program also has a permit to reef a vessel in its Main Pass 300 Reef.

Multi-beam surveying of the Program's offshore reefs is ongoing (annually) and is available on the Program's website. The Program has completed two pilot projects using remotely-operated vehicle (ROV) surveys to sample offshore reefs and is developing plans to create a comprehensive biological monitoring Program for these reefs.

### *Inshore*

LDWF's Artificial Reef Program surveyed and accepted four new inshore artificial reefs that were completed through a cooperative endeavor agreement with the Lake Pontchartrain Basin Foundation. The new reefs are located in the Biloxi Marsh area and were created using a combination of shell, limestone, and reef-ball materials. Two reef sites, Point Mast and Bird Island, were enhanced using 4,000 tons of limestone each and utilized NRDA Recreational Use funds to complete the project. The Program continues to hold a permit to enhance the Independence Island artificial reef site with 15,000 tons of material through NRDA Recreational Use Restoration funding.

### *Nearshore*

LDWF's Artificial Reef Program enhanced the Ship Shoal 26 (the Pickets) reef site using 8,000 tons of limestone. The Grand Isle 9 reef is permitted and under contract. Ship Shoal 26 and Grand Isle 9 will be completed using Recreational Use Restoration funding. The Program is finalizing the acceptance of four new nearshore reefs: The Ship Shoal 94 and 108 and Vermilion 119 and 124 reefs were deployed with funding from the Artificial Reef Fund. Vermilion 119 and 124 were done in partnership with Coastal Conservation Association of Louisiana. The Program reached an agreement with CCA to enhance one existing reef and create two new reefs.

### *Monitoring*

Through funds provided by the Louisiana Restoration Area Trustee Implementation Group, LDWF continued the monitoring of all completed inshore and nearshore artificial reef enhancement sites. This is part of a 5-year plan to assess the success of artificial reefs enhanced in an effort to mitigate for recreational use opportunities lost during the Deepwater Horizon Oil Spill. Monitoring efforts include the study of the aquatic organisms utilizing the reef enhancement sites via the use of gillnetting, rod and reel sampling, and benthic tray observations, as well as observations of recreational users. Together, those efforts are intended to provide insight into the overall biological health of the reef enhancement sites as well as insight into whether those sites are providing enhanced recreational opportunities to the public.

## Activities Associated with the Gulf of Mexico Crab Fisheries

### Policy and Regulations

After the completion of the 2016 Louisiana blue crab stock assessment, the Louisiana blue crab stock was identified as overfished. This information, along with management options, were presented to the LWFC who set in rule a three-year plan that would reduce the overall harvest of blue crab in state waters and temporarily reduce harvest pressure. During these three years (2017-2019), monthly closures or a temporary ban on female blue crab took place. The most recent (2019) Louisiana blue crab stock assessment indicated that the Louisiana blue crab stock was not identified as overfished nor experiencing overfishing. Due to the improvement in stock status, no additional regulations were implemented during the 2020 harvest year.

### Derelict Crab Trap Program

During the defined 2020 derelict crab trap cleanup areas, the LDWF, contractors, and volunteers successfully removed nearly 4,188 traps across Louisiana's coast. The two Pontchartrain cleanup areas netted a total of 3,387, which was the largest number of traps removed from any one basin. These high numbers come from a successful and ongoing partnership with the Pontchartrain Conservancy, who is contracted by LDWF to remove traps from within the Pontchartrain Basin. Cleanup results in the Vermilion-Tech and Terrebonne Basins netted 171 and 110 traps, respectively. A volunteer day was held during the Barataria

and Calcasieu Basin cleanup events. During the Barataria volunteer day, the event hosted nearly 50 individuals and nine vessels, which resulted in the removal of 362 traps. The Calcasieu volunteer event had around 40 individuals and eight vessels. The team of volunteers and LDWF staff were able to remove nearly 160 traps, which was extremely impressive for an area that was comprised of open water.

## Sustainability

In December 2019, the Louisiana blue crab commercial trap fishery underwent the third surveillance audit against the Audubon Nature Institute's Gulf United for Lasting Fisheries Responsible Fisheries Management Standard v1.2. During this audit, the two remaining non-conformances were closed and the Louisiana blue crab commercial trap fishery was granted continued certification in the January 2020 final assessment.

In June 2020, the Louisiana blue crab commercial trap fishery underwent the second surveillance audit against the Marine Stewardship Council Management Standard v2.0. During this audit the final remaining non-conformance was recommended to be closed. The final assessment report should be complete in July 2020.

## Stock Assessments

No formal stock assessment was completed for the Louisiana blue crab stock in 2020. Blue crab indices of abundance and model estimates were developed to assist with the two sustainability certification audits. Indices for adult and juvenile blue crab decreased slightly, while young of the year saw an increase. Model estimates indicated that the Louisiana blue crab is not overfished or experiencing overfishing.

## Landings

Blue crab landings from January – June in 2020 totaled 14.6 million pounds with a dockside value of approximately \$28.8 million. Landings in 2020 showed a decrease of nearly 15% when compared to the five-year average (2019-2015), while the 2020 dockside value increased by 3.5 percent. Landings in four years out of the five-year average were above 16 million pounds (2015-2018), while 2019 had landings slightly above 15 million pounds. The reduction in 2019 landings were primarily due to the historic flooding events that took place during the first 7 months of 2019. Blue crab landings in 2020 were even less than those in 2019, which is likely related to the global pandemic, COVID-19. COVID-19 has caused a direct negative affect on the Louisiana blue crab industry by reducing the market need for fresh, frozen, or canned blue crab products due to restaurant closures and limited supplies at grocery stores.

While COVID-19 negatively affected blue crab landings, it drove the prices for blue crab up. This can be seen when comparing the dockside value or price per pound. As mentioned above, the overall 2020 dockside value increased by 3.5 percent compared to the five-year average, while the price per pound increased by 17 percent. The \$1.97 average price per pound from January – June 2020 is the highest price per pound observed over this time period during the six-year time frame (2015-2020). The closest average price per pound to 2020 was in 2015 when blue crab sold for \$1.86.



## Activities Related to Fisheries Dependent Data Collection

### LA Creel

Through the LA Creel program, 5,982 recreational fishing trips, comprised of 16,046 individual anglers, were surveyed during 2020 Sample Weeks 1 – 26 (December 30, 2019 – June 28, 2020). Fifty-two different interviewers completed 784 of the 800 assignments as drawn during the sample period.

Fish kept by anglers and allowed to be viewed by interviewers are referred to as observation Type 1 fish. Fish in possession of the angler at the time of survey but not seen by the interviewer are classified as observation Type 2 fish. For the sample period as above, there were 27,905 Type 1's and 25,768 Type 2's, which equates to 52 percent of all fish in possession of the angler at the time of survey were identified and counted by staff. Type 1 fish numbers are down due to COVID-19 restrictions.

Sixty-nine species were represented among Type 1 fish, including some shellfish. Spotted Seatrout was the most commonly counted species with 22,928. Red Drum was second with 6,905 counted and Sheepshead was the third most common with 3,365 counted.

Fish returned to the water or caught and used for bait are also recorded for certain species. Those species are:

1. Black Drum
2. Gray Snapper
3. Gray Triggerfish
4. Greater Amberjack
5. King Mackerel
6. Largemouth Bass
7. Red Drum
8. Red Snapper
9. Sheepshead
10. Southern Flounder
11. Spanish Mackerel
12. Spotted Seatrout

Fish thrown back because they were under the legal minimum length are coded as Type 3. Fish caught and used as bait during the trip are coded as Type 4. Fish thrown back or given away prior to interview for any reason not covered by codes 3 and 4, such as too big, not wanted, etc., are coded as Type 5. Discard data is collected as per the Department's contract with GSMFC. During the same time period as provided above, staff recorded 29,545 Type 3's, 13 Type 4's, and 3,625 Type 5's.

To generate harvest estimates, angler effort must be determined. LA Creel uses two separate surveys for the purposes of determining angler effort. One survey targets charter captains in which ten percent of the approximately 700 charter license holders and thirty percent of the approximately 100 charter license holders who also have a Recreational Offshore Landing Permit (ROLP) are drawn at random each sample week. The ROLP is a free permit that is required to possess tunas, billfish, swordfish, amberjacks, groupers, snappers, hinds, cobia, wahoo, and dolphinfish in Louisiana waters. The purpose of the ROLP is to increase the chances of drawing anglers who fish offshore for effort surveys. During a red snapper season (federal and/or state), one hundred percent of ROLP holding charter captains are drawn. Department staff attempt to contact drawn captains to ask about the number of charter trips taken during the sample week, how many paying customers were on each trip, and in what basin the trip occurred.

During 2020 Sample Weeks 1 – 26, a total of 2,294 captains were drawn, with replacement. Of those, a total of 1,629 captains (71%) completed the survey.

The other effort survey pertains to private anglers exclusively. Each sample week, not including weeks that fall within red snapper seasons, a total of 1,600 Louisiana recreational saltwater fishing license holders are drawn at random for participation in the effort survey. Twelve hundred of the 1,600 is derived by drawing 300 licensed anglers from each of the four regions La Creel uses to generate landings estimates. A separate random selection of 400 is made from ROLP holders. During red snapper seasons the number of private ROLP anglers drawn for the effort survey increases from 400 to 800. A service contracted by the Department is tasked with contacting drawn license holders to ask questions, such as basin fished in, number of trips taken, about any saltwater fishing trips they may have taken during the sample week.

During 2020 Sample Weeks 1 – 26, a total of 44,400 Louisiana recreational saltwater fishing license holders were drawn, with replacement. Of those, a total of 22,349 (50%) completed the survey. The estimated number of saltwater fishing trips taken during the time period was 1.3 million.

The iPad application used for data entry for dockside surveys was to undergo a rebuild in the spring of 2019, but was pushed back to the spring of 2020. The contractor hired to perform the rebuild finished their work as scheduled. As of now, the app is awaiting approval by the state's Office of Technology Services prior to distribution to field offices for implementation.

### Age and Growth

Since the new BIOFIN agreement covers recreational species only, LDWF's Age and Growth Lab in Baton Rouge relies on the National Oceanic and Atmospheric Administration's (NOAA) TIP sampling for commercial otoliths. The lab has processed recreational, commercial and independent otoliths during 2020. From January 1, 2020 through June 20, 2020, the lab has received 4,970 recreational marine fisheries otoliths and aged 4,838 of these otoliths. All otolith

collection and ageing data has been transferred to GSMFC through the month of June. Staff are currently completing July 2020 otolith processing.

LDWF's Fisheries Research Lab in Grand Isle processes yellowfin tuna otoliths, which are not included in the age and growth lab's total for this time period. During the period of January 1, 2020 through June 20, 2020, a total of 49 yellowfin tuna otoliths have been collected and 49 have been aged.

Otolith totals are as follows:

- Black drum – 109
- Cobia – 3
- Gray snapper – 23
- Greater amberjack – 3
- Gray triggerfish – 0
- King mackerel – 0
- Red drum – 709
- Red snapper – 340
- Sheepshead – 195
- Southern flounder – 157
- Spotted seatrout – 1,125
- Striped mullet – 0
- Tripletail - 3
- Vermilion snapper – 21
- Blackfin tuna – 0
- Yellowfin tuna – 49

## Commercial Shrimp, Oyster, and Crab Seasons and Landings

### Shrimp

The portion of state offshore, or outside, waters between Calliou Boca and the Atchafalaya River Ship Channel at Eugene Island opened on April 17, 2020. Following this opening, the 2020 spring inshore shrimp season from the Mississippi/Louisiana state line westward to Freshwater Bayou and the remaining portion of state offshore waters between the Atchafalaya River Ship Channel at Eugene Island and Freshwater Bayou opened May 18, 2020 at 6:00 am. The remaining portion of state inshore waters from Freshwater Bayou westward to the Louisiana/Texas state line opened on May 27, 2020 at 6:00 am.

Shrimp landings (all species combined and heads on unless specified otherwise) between January – June 2020 totaled approximately 20.9 million pounds with a dockside value of \$26.5 million. The 2020 shrimp landings during this period decreased by 48 percent compared to the five-year average, while the dockside value decreased by 42 percent. While overall numbers in 2020 were low compared to the five-year average, the shrimp average price per pound in this period was 9 percent above the five-year average. Louisiana brown shrimp landings during the

time period mentioned above in 2020 were one of the lowest on record. Approximately 8.7 million pounds were landed in 2020 compared to a five-year average of nearly 22.9 million pounds. Brown shrimp landings were also low in comparison to previous years in 2019 due to the 2019 flooding events, but 2019 brown shrimp landings were nearly twice those observed in 2020. These low brown shrimp landings are the result of several factors: early May cold fronts, an early June tropical storm, and COVID-19. The shrimp average price per pound, similar to blue crab, was above the five-year average.

White shrimp landings in 2020 showed a less dramatic decrease than what was observed for brown shrimp. Landings from January – June in 2020 were 12 million pounds with a dockside value of \$18.7 million. White shrimp landed during this period of 2020 were 28 percent lower than the five-year average, while the average dockside value was nearly 35 percent lower than the five-year average. The average white shrimp price per pound was also lower than the five-year average by nearly \$0.20. Direct reports from industry members stated that larger shrimp that were normally sold during January – May were not in demand because of restaurant closures due to COVID-19. This meant that an abundance of large shrimp was still being held in cold storage and it was a risk to purchase additional product.

#### Blue Crab

Described in the Activities Associated with the Gulf of Mexico Crab Fisheries section above.

#### Oyster

Oyster landings, both public and private from January – June in 2020 totaled 1.7 million pounds (meat weight) with a dockside value of approximately \$12.4 million. Landings in 2020 showed a decrease of 74% when compared to the five-year average (2019-2015), while the 2020 dockside value decreased by 71 percent. The 2019-20 public oyster season opened November 1, 2019. The table below summarizes the 2019-2020 oyster season to date for Louisiana's major public oyster areas. This year, the goal was to reduce harvest stress as a means to conserve remaining resource from the 2019 flooding event, and manage areas as recommended by the shell budget model thresholds—all of which should help minimize reef degradation.

2019-2020 LDWF Oyster Season Summary						
Area	Season Opening	Season Closure	Season/type	Days open	Harvest	CSA
POSG East of Mississippi river and North of MRGO			closed			1
POSG East of Mississippi river and South of MRGO			closed			
Hackberry Little Lake, Barataria Bay			closed			3
Deep Lake, Lake Chien, Lake Felicity and Lake Tambour			closed			5
Lake Mechant and Bay Junop			closed			
Sister Lake	18-Nov	18-Nov	1-day Seed harvest	1	1,250 bbl	
	19-Nov	25-Nov	Market Oyster Harvest	7	10,314 sacks	
Vermilion Bay			closed			6
Calcasieu Lake	1-Nov	20-Jan	East Cove: Market Oyster Harvest	80	3,861 sacks	7
	1-Nov	30-Apr	West Cove: Market Oyster Harvest	210	4,985 sacks	

## Activities Related to Fisheries Independent Sampling

### Stock Assessments

LDWF completed stock assessments of black drum, sheepshead, southern flounder, and striped mullet that were presented to the LFWC for transmittal to the Louisiana Legislature in February 2020. These assessments use a statistical catch-at-age model to estimate annual time-series of spawning stock biomass and fishing mortality rates. Time-series of fishery catches-at-age along with relative abundance indices developed from LDWF fishery independent surveys are the primary model inputs. Based on results of these assessments, the black drum, sheepshead, and striped mullet stocks are currently not overfished or undergoing overfishing. The southern flounder stock, however, is currently considered overfished. Management options to improve the status of the southern flounder stock will be presented to the LWFC in 2020.

### Fisheries Research Lab

LDWF's Fisheries Research Lab in Grand Isle is the base for the state's offshore fisheries independent monitoring and research projects. The lab also serves as a point of contact for the public, visiting researchers, and educational programs. Some current activities at the lab are summarized below:

### Southeast Area Monitoring and Assessment Program (SEAMAP)

LDWF typically participates in three SEAMAP surveys: Shrimp/Groundfish, Vertical Line, and Bottom Longline during the January through June time period. Due to the Covid-19 pandemic, the Shrimp/Groundfish survey was cancelled. Vertical Line and Bottom Longline were conducted but at a very reduced rate. On these surveys, teams of three to nine fisheries biologists collect, process, and enter both catch data and environmental parameters, including a water column

profile. These surveys are conducted from April through October with data management and reporting completed during the winter. During the reporting period, sampling and reporting were completed for all surveys conducted. LDWF representatives participated in the Spring GSMFC meeting.

### Spotted Sea Trout Life History Study

In 2018, biologists from LDWF's coastal study areas (CSAs) obtained spotted seatrout ovaries and otoliths from dockside sampling (n=1,216). During the reporting period, these samples were aged and histologically staged, and batch fecundity (n=18) was taken where applicable. Spawning fraction and frequency was smaller and more variable than expected, which may be due to lack of larger individuals collected. Spawning frequency was calculated from the 147-day spawning duration multiplied by the spawning fraction equations. Batch fecundity was then multiplied by spawning frequency to achieve annual fecundity. Fecundity data was added from a previous pilot study on spotted seatrout in 2015 (n=11) and from previous work in 1994-1995 (n=25). Both of these datasets were generated from spotted seatrout collected in Barataria Bay. Annual fecundity within length was  $1.076(\text{Total Length})^{2.692}$  while annual fecundity at age was  $34,007,142(1-e^{(-0.451*Age)})^{2.307}$ . However, annual fecundity was directly proportional (linear) to body weight, which suggests that spawning stock biomass is an appropriate substitute for total egg production in stock assessment. Future collections will be useful in monitoring increases or decreases in egg production, which may be an indicator of stock health. Female seatrout that are age 2 or 405mm (16inches) total length, on average, produce over 10 million eggs annually. Age 2 fish were most frequently landed before the stock was considered overfished or undergoing overfishing. Therefore, it is recommended that managers take those details into consideration for fishing regulations.

### Black Drum Life History Study

November 2019 through March 2020, LDWF biologists sampled 210 black drum ovaries. All 210 ovary samples have been histologically processed and analyzed, but the project was cut short by the pandemic and not enough data was collected to estimate spawning fraction and frequency. None of the 210 ovary samples yielded fecundity estimates. When combined with future samples, this data will determine if spawning stock biomass is an appropriate proxy for total egg production and will further inform managers for establishing regulations.

### Sheepshead Life History Study

In February and March 2020, LDWF biologists sampled 84 sheepshead ovaries. All 84 have been histologically processed and analyzed. However, the project was cut short due to the pandemic and not enough data was collected to estimate spawning fraction and frequency. There were four fecundity estimates that came from the 84 ovarian samples. When coupled with future samples, this data will determine if spawning stock biomass is an appropriate proxy for total egg production and will further inform managers for establishing regulations.

## Offshore Red Drum Age Structure

The lack of a consistent biological sampling source for offshore red drum has hindered stock assessments, but the LDWF portion of the SEAMAP bottom longline survey could provide a fisheries independent source of otolith and gonad samples. Otoliths would provide abundance of age or year classes within the population while gonad samples would deliver spawning frequency and fecundity estimates. The abundance indices from standardized sampling coupled with age and reproductive analysis from the otolith and gonad samples would more accurately assess the adult population of red drum off Louisiana.

During the 2018, 2019, and 2020 SEAMAP bottom longline survey, LDWF collected otoliths from 160, 269, and 30 red drum, respectively. The low sample size in 2020 was due to the pandemic precautions taken and sampling trips eliminated. Though the majority of those landings occurred outside of the spawning season during spring sampling, 64 gonads were collected from female red drum closer to the spawning season during summer and fall bottom longline sampling. Ages for red drum collected offshore ranged from 4 to 39 years. These data will likely be critical in characterizing the offshore spawning stock of red drum off the Louisiana coast in future stock assessments.

## Artificial Reef Monitoring for Sportfish

In order to enhance the monitoring of sportfish species on artificial reef structures, LDWF biologists from the Grand Isle Fisheries Research Lab are using a combination of vertical line sampling, video sampling, and diver surveys. Approximately ten percent of the artificial reef structures in the LDWF Offshore Artificial Reef Program were randomly selected and assigned to the 2020 vertical line survey. Due to COVID-19 restrictions, vertical line sampling did not occur within the reporting period. Data entered prior to the 2018 sampling season (2015-2017, n = 104 stations) was verified during the reporting period, and the database was updated as needed.

Additionally, LDWF included a roving diver survey component into the LDWF artificial reef monitoring effort. While LDWF has previously conducted dive surveys at standing platforms, no dive surveys had been conducted at artificial reef sites prior to 2018. Biologists surveyed finfish species at the artificial reef site and the nearest standing platform. During the reporting period, all dive survey videos were reviewed. Survey start and finish times assigned as well as ascent and descent times. MIN counts were then performed in 10 second intervals using the read protocols used for the vertical line video reads. MIN counts were performed on species covered in the GMFMC Reef Fish Fishery Management Plan (Gray triggerfish, Almaco jack, Greater amberjack, Gray snapper, Lane snapper, Red snapper, Vermilion snapper and Groupers) as well as Coastal Migratory Pelagics FMP (Cobia and Spanish mackerel). 241 reads were made over the survey times of the video's as well as the decent and ascent reads. An excel sheet was created and all read data entered and reviewed.

## Shrimp Sampling

LDWF conducts fisheries independent sampling for shrimp year-round statewide using three trawl sizes: 6-foot, 16-foot, and 20-foot. The 6-foot trawl samples gather data in the interior marshes of Louisiana and are used to set the opening and closing dates for the spring inshore shrimp season. These samples are typically taken throughout April and again at the end of June and beginning of July, depending on environmental conditions. From January – June 2020, a total of 299 6-foot trawl samples were conducted. Samples conducted throughout April and early May were used to set the Louisiana spring inshore shrimp season, as described earlier. Brown shrimp CPUE during April and early May 6-foot trawl samples was lower than the previous years.

The 16-foot trawl sampling data are used to constantly monitor the state shrimp resource, along with other species of interest, and set the opening date for the fall inshore shrimp season. During January – June 2020, a total of 905 16-foot trawl samples were conducted. These data were used to open state inshore waters for the 2020 fall inshore shrimp season, as well as, monitor statewide resources monthly.

The 20-foot trawl sampling data are used to monitor shrimp resources in state offshore waters. A total of 189 20-foot trawl samples were conducted during January – June 2020. Data collected in the 20-foot trawl samples were used to open the portions of state offshore waters described earlier.

## Crab Sampling

Fisheries independent sampling data for blue crab is collected with 16-foot trawls. These data are used to calculate juvenile and adult blue crab indices of abundance for the blue crab stock assessment.

## Oyster Sampling

LDWF conducts fisheries independent sampling for oysters year-round statewide using two gear types (24-inch hand dredge and square-meter frame: m<sup>2</sup>) within the public oyster areas, and analyze the data collected to determine overall health of the oyster resource throughout the year. Dredge sampling events were conducted monthly (except in the month of July) on 74 sampling stations and quarterly on six (Sabine Lake only) sampling stations, with two replicates per station, to monitor size frequency, presence and/or absence, and mortality. A total of 897 dredge samples were collected between January 1 and June 30, 2020.

For annual stock assessments, LDWF biologists collect field samples in July from each CSA across Louisiana to perform a quantitative evaluation of the oyster stock on the state's public oyster areas. Biologists SCUBA dive on designated sampling stations within each CSA. At each sampling station, an aluminum square-meter frame (quadrat/m<sup>2</sup>) is randomly placed on the oyster reef, and all live and dead oysters, reef-associated organisms, and exposed reef material are collected by hand from the upper portion of the substrate within the quadrat. This process is replicated five times at each sampling station. Water temperature, dissolved oxygen, and



salinity data are collected in conjunction with the m2 samples, and cultch material types are identified and weighed.

Sabine Lake is closed for commercial oyster harvest since Legislative Act 159 (2018) that instituted a moratorium on oyster fishing in Sabine Lake. Therefore, dredge samples are conducted quarterly, and square-meter sampling are only being conducted every other year, with the next sampling scheduled for July 2021. Additional sampling may occur as needed to monitor for possible mortality events associated with significant freshwater input events.

Additional square-meter sampling was conducted in the Lake Pontchartrain and Barataria basins in May 2020 as part of an agreement with the Coastal Protection and Restoration Authority (CPRA). In the Barataria Basin, additional sampling was also conducted on private lease areas per the CPRA agreement to further characterize oyster resources in that basin.

Sampling conducted as part of the annual oyster stock assessment plays a valuable role in predicting the success of the upcoming oyster season, which generally opens in early September and runs through April of the following year. However, the season may be closed or delayed if biological concerns or enforcement problems are encountered. LDWF uses oyster stock assessment information to make recommendations regarding setting the oyster season to the Louisiana Wildlife and Fisheries Commission.

## Finfish Sampling

LDWF conducts biological monitoring for finfish statewide in the coastal, nearshore, and offshore areas of Louisiana. During fiscal year 2019-20, the fisheries independent finfish sampling program collected 953 gillnet samples, 1,271 seine samples, and 271 trammel net samples for a 99.3 percent overall completion rate statewide. Electro-fishing samples (159 total) are being conducted within some Louisiana estuarine environments to provide fisheries data to CPRA.

## Other State Activities

### Finfish Seasons and Regulations

Louisiana waters closed to the harvest of sharks in the aggregated large coastal group (nurse, bull, lemon, sandbar, silky, spinner, and tiger) and hammerhead group (smooth, scalloped, and great) on March 14, 2020.

Louisiana waters closed to the recreational harvest of gray triggerfish on May 2, 2020.

On May 20, 2020 a final rule published that modified the existing recreational red snapper season framework to set the season to open each year on the Friday before Memorial Day as a weekends only season including the Mondays of Memorial Day and Labor Day as well as the 4<sup>th</sup>

of July regardless of what day it falls upon. The final rule also clarified language relating to the state delegation of the recreational red snapper season.

Louisiana and federal waters off of Louisiana opened to the recreational harvest of red snapper on May 22, 2020 on weekends only (Friday, Saturday, and Sunday) including the Mondays of Memorial Day and Labor Day.

At its regular meeting on May 7, 2020 the Louisiana Wildlife and Fisheries Commission (LWFC) ratified a Notice of Intent (NOI) to modify the recreational and commercial minimum size limit for Cobia to 36 inches fork length. Public comments on the NOI were taken until Thursday, July 2, 2020.

At its regular meeting on June 4, 2020 the LWFC promulgated a NOI to modify the commercial trip limits for greater amberjack from 1,500 pounds gutted weight to 1,000 pounds gutted weight and allow for Secretarial authority to modify commercial reef fish trip limits if notified by NOAA Fisheries of in-season changes.

Louisiana and federal waters off of Louisiana closed to the recreational harvest of red snapper on August 13, 2020.

Louisiana and federal waters off of Louisiana reopened to the recreational harvest of red snapper for the Labor Day weekend on September 4, 2020 and closed on September 7, 2020.

Louisiana waters reopened to the recreational harvest of gray triggerfish from September 1, 2020 through October 26, 2020.

### Marine Mammal and Sea Turtle Monitoring

The marine mammal stranding program and the sea turtle stranding program are administered and coordinated directly by NOAA in Louisiana.

### Michael C. Voisin Oyster Hatchery

The Michael C. Voisin Oyster Hatchery located on Grand Isle, Louisiana, is operated through a collaborative effort between LDWF and Louisiana Sea Grant (LSG). LSG assists with facility operations, provides technical guidance, manages the LSG Breeding Program, and supports the oyster industry through extension, outreach, and research projects. LDWF focuses on the production of diploid and triploid seed and larvae for state restoration projects, as well as commercial sales to support the industry.

Spring 2020 hatchery production focused on producing diploid pediveligers and seed for LDWF sales. A total of approximately 42 million diploid pediveliger larvae were produced, of this approximately 14 million were sold to farmers. Approximately 397,391 diploid seed were sold to farmers prior to June 30<sup>th</sup>. Additional seed remained in the nursery system pending sale.

Extra diploid pediveligers (PV), those which farmers could not accept at the time, were either set on microcultch to produce seed for sales (16 million PVs) or set on macrocultch for restoration (11 million PVs). Of the 11 million PVs set on macrocultch, there were approximately 1.25 million spat that set and were deployed at LDWF's West Karako Bay Artificial/Broodstock Reef site.

The hatchery started algae production in January. Marine microalgae is grown in a Stock Room and Algal Production Room to feed oyster larvae. Staff tested the survival of algae grown in flasks treated with combinations of EDTA and different media volumes, to test if current growing procedures provided optimal growth and survival for algae cultures. The flask trials were based on a trial done in fall 2019 where hatchery seawater was treated with EDTA and survival of algae grown in bags was observed. Results for the bag trial showed that the addition of EDTA in seawater resulted in poor algal survival. Final results for the flask trial are pending, however, initial observations did not show obvious differences between treatments. Algae production continued in the Stock Room and Algal Production Room throughout the spring and summer using Standard Operating Procedures.

### Spat on Shell Projects

The Louisiana Department of Wildlife and Fisheries Michael C. Voisin Oyster Hatchery produces diploid oyster larvae for setting on shell, which is then referred to as spat-on-shell and is used for State oyster restoration projects. To prepare for setting on shell, mesh bags that are three feet long are filled with recycled oyster shell and are called shellbags. Recycled shell is obtained through a collaboration with the Coalition to Restore Coastal Louisiana's Oyster Shell Recycling Program.

In February and March 2020, the Oyster Hatchery coordinated multiple shellbagging events at the Grand Isle Fisheries Research Lab (FRL) with assistance from LDWF, Louisiana Sea Grant and LDWF Aquatic Volunteer Instructors. Approximately 110 cubic yards of shell were bagged, generating almost 4,170 shellbags, which is enough shell for setting at least 64 million diploid pediveligers.

In early spring, four setting tanks capable of holding approximately 115-130 shellbags each, located underneath the FRL, were prepared for spat-on-shell production. Spat-on-shell production and deployments were delayed during the spring of 2020 due to COVID-19. During June 2020, the Oyster Hatchery set 11,350,000 pediveligers on macrocultch that were deployed by LDWF staff within the public oyster seed grounds of Karako Bay.

After 6 months of monitoring, the 2019 Barataria POSG spat on shell deployment sites were discontinued in December 2019 because no live oysters were observed. No live oysters were observed during May 2020 after monitoring the 2019 Breton Sound POSG sites for 12 months.

## Oyster Transplant Projects

Oyster impacts from the increased freshwater flows in the spring and summer of 2019 were investigated via standard and enhanced fisheries independent sampling (dredge) on public oyster areas. The highest freshwater output was concentrated in Coastal Study Area (CSA) 1-North. CSA-1 North is the outfall area for the Bonnet Carré Spillway as well as the Pearl River. This flooding event dramatically reduced salinities in the receiving basins and increased oyster mortalities were documented in subsequent biological sampling.

In an effort to facilitate natural recovery from the 2019 flooding event, LDWF collected oysters from reefs in the least impacted basins of the State and transplanted to previously productive reefs in Pontchartrain Basin. Adult reproductive oysters were collected in Sister Lake and in Calcasieu Lake during each routine dredge events in October 2019, November 2019, and January 2020 and transplanted to Round Island, Shell Island, and Lake Fortuna sites, respectively. The objective of the project was for these transplanted animals to spawn and reseed reefs as the salinities in the area return to a suitable range for oyster production.

With each transplant, a sub sample of 20 oysters were set in a containment device (modified crab trap) with a spat plate attached to it for monthly monitoring. As of June 2020, only one containment device remained at the Shell Point site to be monitored. It contained 92 live spat found attached to the spat plate. All other containment devices were lost and not replaced over the course of the monthly monitoring.

## Boating and Non-Boating Access Projects

LDWF has several new and ongoing boating and fishing access projects, which are funded through the Sport Fish Restoration Program and administered by local entities. LDWF accepts project proposals on an annual basis and evaluates them based on ranking criteria and available funding. Current projects include:

- Port Sulphur Civic Drive Fishing Pier – construction contract has been awarded
- St. Tammany Fishing Pier – review of construction contract
- West End – Breakwater Drive Boat Launch – construction complete
- New Iberia Boat Slips Boating Infrastructure Grant Program – advertised for bid
- City of New Iberia CVA Sanitation Facility – design phase
- Indian Creek Recreation Area Fishing Pier – bid awarded
- City of New Iberia Civic Center Marina Phase I – design phase
- Marina Del Ray Renovations – permitting phase
- City of New Iberia Civic Center Marina Phase II – permitting phase
- Town of Leonville Boat Launch Improvements – design phase
- Town of Madisonville Boat Launch Improvements – advertised for bid

Additional boating and fishing access projects were recently approved by the Louisiana Trustee Implementation Group for funding from the *Deepwater Horizon* oil spill and are currently being designed and implemented.

### Seafood Industry Professionalism

LDWF seeks to give the state's seafood industry access and training to the latest trends, requirements, and technology in their profession, as expert training will yield higher quality products and give the seafood community a competitive advantage in the marketplace. Since the launch of Louisiana Fisheries Forward: Advancing Our Seafood Industry, this one-of-a-kind professionalism program for Louisiana's commercial fishing industry has received inquiry, acknowledgement, and recognition throughout many facets of local, regional, national and world fishing industries.

The Louisiana Fisheries Forward contract was renewed for one year beginning January 2020. During the first half of the year an oyster remote setting whiteboard video was created along with a corresponding fact sheet. Additionally, fact sheets were developed on the impact of shrimp imports in Louisiana, HACCP training and sanitation control for processors.

In addition, a report characterizing the recreational for hire sector in Louisiana was completed as well as a report on the status and trends in Louisiana's commercial freshwater fisheries. The results of these reports were presented at the 2020 Louisiana Fisheries Forward summit which was held in early March 2020. Louisiana was in the beginning stages of Covid-19 at this time which likely accounted for the lower than normal attendance figures. In response to Covid-19, the Louisiana Fisheries Forward team quickly developed informational materials on safety guidelines for commercial fishermen as well as seafood processors.

### Aquatic Plant Control

Invasive aquatic vegetation continues to threaten access and recreational activities throughout Louisiana. Spring surveys conducted from March - May 2020 revealed an estimated 257,746 acres of nuisance aquatic plant coverage, mostly composed of water hyacinth (74,160 acres) and giant salvinia (53,660 acres). Spring surveys are conducted at the beginning of the growing season and usually reflect slightly less coverage than fall surveys conducted at the end of the growing season. From January 1, 2020 through June 30, 2020, LDWF applied EPA-approved herbicides to 21,699.32 acres of nuisance vegetation across the state. The majority of plant control efforts focused on giant salvinia and water hyacinth, with 10,497.91 and 8,482.63 acres treated, respectively. A major area of focus was Black and Clear Lakes in Natchitoches Parish, both of which suffer from a chronic giant salvinia infestation. A total of 3,255.8 acres of giant salvinia were treated on Black and Clear Lakes. LDWF treated approximately 2,160 acres of water hyacinth on Bayou Penchant.

Winter temperatures and isolated flood events have the potential to be major factors in determining the severity of aquatic vegetation impacts, especially giant salvinia, in Louisiana. Occurrences of below freezing temperatures, for the duration of several hours, provide

excellent control of aquatic vegetation. The lack of below freezing temperatures experienced last winter has led to higher than usual spring aquatic vegetation coverage. Drawdowns are currently being conducted on several waterbodies throughout Louisiana. Vegetation assessments will be made in the fall, and herbicide applications will be made accordingly.

**Gulf States Marine Fisheries Commission**  
**71<sup>st</sup> Annual Fall Meeting**  
**Technical Coordinating Committee**  
**Wednesday, 14 October 2020**  
**Virtual Meeting**

**1. Emerging Issues Pertinent to Gulf of Mexico Fisheries.**

**PROPOSED REGULATORY CHANGES**

Statewide Recreational and Commercial Fishing

**Proposed changes to flounder regulations**

To manage a declining flounder fishery, two proposals were submitted to the TPW Commission that would decrease fishing effort during the fall spawning run, as well as protect smaller spawning capable females. We estimate this will increase spawning biomass by 58%. These proposed regulations were:

- Closing November 1 to December 14 to all flounder fishing (currently no gigging in Nov and reduced catch of 2 fish/person for that period compared to 5 during rest of year).
- Increase the minimum size limit to 15-inches (currently 14-inch min size limit).

These proposals were adopted by the commission; however, due to COVID issues, the Nov-Dec closure was pushed back to take effect September 2021. The 15" minimum size limit took effect on September 1, 2020.

**Oyster Updates**

Oyster Mariculture Update

The Texas commercial oyster fishery has primarily relied upon the harvest of oysters from natural reefs in areas approved by the Texas Department of State Health Services and under certificates of location, or lease programs, in Galveston Bay. However, as the value of oysters continues to increase, interest in off-bottom cage culture of oysters has gained popularity throughout the United States and Texas. During the 86th Texas Legislative Session, HB 1300 granted authority to the Parks and Wildlife Commission to develop an off-bottom oyster mariculture program using enclosed cages. In May 2020, the Parks and Wildlife Commission adopted rules establishing this program. We have created a website that can now be accessed by any persons interested in beginning the process of applying for a permit and designating a location for their lease.

[https://tpwd.texas.gov/fishboat/fish/commercial/com\\_cf/com\\_index.phtml](https://tpwd.texas.gov/fishboat/fish/commercial/com_cf/com_index.phtml)

We are working closely with prospective applicants to provide them with information of areas available for lease in Texas bays.

### Oyster Shell Recovery

HB51 (85th Legislative Session, 2017) included a requirement that dealers purchasing oysters harvested from Texas bay systems return 30%, by volume, of the total quantity of oysters harvested during the previous license year. In lieu of returning this cultch back to public oyster reefs, dealers can pay the department a sack fee that will allow the department to return an equivalent amount to public reefs. The current amount of this fee per sack is \$1.32. So far, in 2019-20 landings reported to the Texas Commercial Landings Program (LY20 Sep-Jul), 868,743 sacks (110 lbs/sack) of oysters were landed from TX bays. That total amounts to 15,082 cubic yards of cultch or \$1,146,740 due from oyster dealers. In LY 2019, dealers worked with TPWD to place 9,705 cubic yards of cultch back into TX bays, while remaining dealers paid \$205,972 into the Shell Recovery Fund (for future planting) (Table 1). Some dealers have had issues putting out cultch or paying in LY2020 due to COVID, so we are working with them as much as possible to accommodate their issues.

Table 1. Summary of Oyster Shell Recovery program (LY2018-2020)

LY (Sep-Aug)	Sacks Harvested	Cultch Due (cu yds)	Fee in lieu of cultch	Final Disposition	
				Cultch	Fee
2018	564,787	9,805.3	\$745,518	6,590.6	\$241,815
2019	754,565	13,100.0	\$996,025	9,705.3	\$205,972
*2020	868,743	15,082.2	\$1,146,740	3,220.0	\$229,258

\*As of 9/8/2020 (through July landings)

- Approximately 9,000 cu yds of cultch was placed in Aransas Bay this summer at Grass Island. This was mostly funded by Hurricane Harvey Emergency grants, but partially by shell recovery fees. An additional 4,000 cu yds is scheduled to be placed in Sabine Lake.
- CCA purchased two sets of oyster patent tongs for the Galveston and Aransas Bay field labs. We plan on assessing their utility in monitoring our oysters in the near future.

### Texas Oyster Landings

Oyster landings in LY2020 were greater than landings in any of the previous five years (figure 1). There was some apparent reduction of catch at the end of the 2020 season most likely due to COVID. In previous years, there were also reductions of catch later in the season for various reasons (area closures and possibly reductions of available stock). In LY2019, there were several areas closed to harvest in December due to rainfall/runoff, which resulted in a decrease in trips made in December, possibly explaining some reduction in harvest. The 2015-16 season started off with closures due to red tide, and harvest levels never recovered to average levels as compared to more recent years (figure 1).



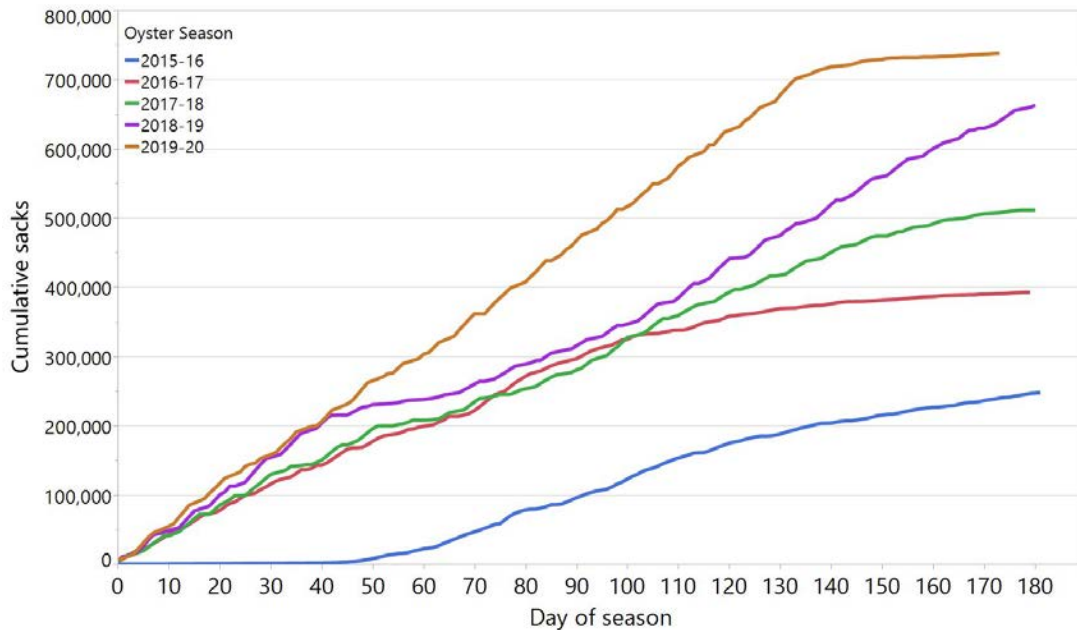


Figure 1. Cumulative number of sacks collected by the Texas oyster fishery during the last 5 years of the public season (Nov-Apr).

## 2. Activities Related to Artificial Reef Programs.

All travel and non-essential meetings and field work has been placed on hold due to COVID-19.

### Rigs-to-Reefs

The Reef Program did not receive any donations to the program.

Date	Rig	Removal type	Donation	Jacket
NA – No Donations				

- The USACOE reef permit for Fieldwood Energy’s HI-A-520 was received. Fieldwood Energy has been the main donor for Texas Rigs-to-Reefs and in a recent call stated it is unlikely that they will be doing any reefing in Texas this year due to the COVID-19 slowdowns of work and the slow process of getting platforms decommissioned by the Bureau of Safety and Environmental Enforcement (BSEE).
- The deployment of three (3) deep-water spars<sup>1</sup>currently owned by Anadarko Oil and Gas is currently being considered for inclusion in the Rigs-to-Reefs program. An 80-acre location for these spars and future deployments has been identified in 450 ft water and Anadarko has completed a basic ROV survey to determine if this area is free of bottom hazards.
- The USACOE reef permit for HI-A-520 was received in APR. Fieldwood Energy has not moved forward with reefing of the 8-pile structure due to economic conditions.

<sup>1</sup> large cylinders that offshore platforms float on top of; about 450ft long x 100 in diameter

- Initial discussions about a new Rigs-to-Reefs project, HI-A-557A platform, began with Talus Petroleum (via Athena Consulting).

### Ships-to-Reefs / Nearshore Reefs

- Friends of Rio Grande Valley Reef are proposing to reef clusters of railway ties around the Texas Clipper at no cost to TPWD. This would provide additional low-profile material to the site for enhancing the prey base for larger fishes such as red snapper. TPWD ARP will be renewing the reef permit for the work and UT-RGV will be following up with scientific studies/observations.
- The deployment of a steel-hulled sailboat has been coordinated with a Freeport public member who wants to donate the vessel to the nearshore program through the Public Reefing Program. It is being cleaned and readied for reefing at Kate's reef, off Galveston. A Houston public member will partially fund the efforts. The vessel has been inspected and will be deployed in September 2020. All work will be completed without any funding from TPWD. TPWD will assume liability for the vessel once it is properly reefed according to the agreement between TPWD and the public member.
- Two steel-hulled vessels are being cleaned and readied for reefing by the Friends of RGV Reef. They will be reefed within the Rio Grande Valley Nearshore Reef (PS-1105).

### Nearshore Reefs

- Reefing has been completed for the MU-775 (Corpus Christi Nearshore Reef), using Hurricane Harvey Relief Funds. The work was completed by The Friends of Rio Grande Valley Reef (a 501-c3 group). The contract called for reefing 1,000 tons of concrete railway ties in 8 piles, but the group reached beyond that and added 1500 tons of material to the reef in 12 piles, keeping the contract under our \$750,000 budget. In addition, they added 800 additional tons to the reef under funding from CCA. So, in total, they added 2300 total tons of concrete to the reef for enhancing juvenile marine fish habitat.
  - Dr. Rick Kline (UT-RGV) conducted a sidescan survey of the railway tie deployment at MU-775 above for the final survey report. This completed one of three Hurricane Harvey Relief Fund projects.
- The Program is working with Saltwater Fisheries Enhancement Association (SEA) and the City of Corpus Christi to secure a 2-acre tract of property at the Port of Corpus Christi to store future reef materials. The US181 Harbor Bridge will be dismantled soon, and we hope to gain some of that material for offshore reef building.
- The Request for Proposals for 3 reefing projects was placed on bid by TPWD Contracting and closed 4 August. Funding is through the Hurricane Harvey Relief Funds (Kate's and Big Man's Reefs off Galveston) and CCA. Plans call for concrete pyramids and low-relief materials. Bid evaluations are currently ongoing. All work must be completed by 31 August 2021.
- A deployment of memorial balls has been coordinated between Eternal Reefs and TPWD ARP. The deployment is scheduled for September.
- A Memorandum of Agreement was drafted between TPWD and UT-RGV for conducting a side-scan survey of the entire PS-1105 Rio Grande Valley Nearshore Reef. Dr. Rick Kline will work with graduate students to complete the survey and provide hydrographic training to students. Training will also include the use of underwater scooters and the program's Outlander ROV.

### Grants / Administration

- The GLO Coastal Coordination Advisory Committee and the Texas Coastal Management Program notified the ARP of a successful grant PRE-proposal for the construction and enhancement of artificial reefs in the Northern Gulf of Mexico. If the full proposal is accepted, the grant would create and deploy 100 pyramids and 100 low-relief reef plates.
- The GLO Asset Removal team and the ARP have been in communication to discuss the planned removal of the old Queen Isabella Causeway off Port Isabel/South Padre Island. The Coastal Management Program accepted the proposal and Phase 1 of the process has been approved. The next steps include an engineering study and deployment/reefing plan (\$170,000) to provide measurements and technical specifications of what remains of the Port Isabel side (~3500 linear ft). The GLO has ownership of the bridge and it must be removed at some point soon. Estimates show that it may require \$10-12m for removal (and reefing). Once the engineering study is complete, next steps would involve coordinating with the GLO for the complete removal of the old causeway and the deployment of it as reef material. Due to the high cost of the removal and deployment of the old causeway, Gulf of Mexico Energy Security Act (GoMESA) funds would be involved.

### Resource Sampling / Harvest Monitoring Updates / Science

- The ARP has been working with Katie O'Shaughnessy (Science Policy Fellow - National Academy of Sciences; assigned to CF) to complete a summary report for the biological monitoring from 1990 – 2019. The report will be published as an internal TPWD Management Data Series. The draft manuscript has been submitted for internal review and editorial comments.

### Equipment / Construction / Housekeeping Matters

- TPWD Contracting extended the ARP's current buoy maintenance contracts for 6 additional months to allow time for staff to draft a new Invitation for Bid (IFB). The upcoming FY end, rollover into CAPPs, and COVID-19 has slowed contracting progress. These buoy maintenance contracts are re-bid every 2-4 years.

### Meetings / Outreach / Education Events

- The 2020 Florida Artificial Reef Summit (Melbourne, FL), originally scheduled for April, was delayed to November due to COVID-19. It was then converted to a virtual event, again due to COVID-19. The ARP intends to create a poster to share the preliminary results from the ARP and USGS biological, chemical, and physical monitoring. The ARP has had an ongoing interagency contract with the USGS since 2013 to study 4-5 reef sites in the High Island (HI) shelf area about 70 miles off Galveston.

- The ARP continues to participate in a Flower Garden Banks National Marine Sanctuary Special Advisory Committee as a non-voting representative. The last three meetings have moved from in-person to virtual.

### 3. Activities Associated with the Gulf of Mexico Crab Fisheries.

#### Abandoned Crab Trap Removal Program

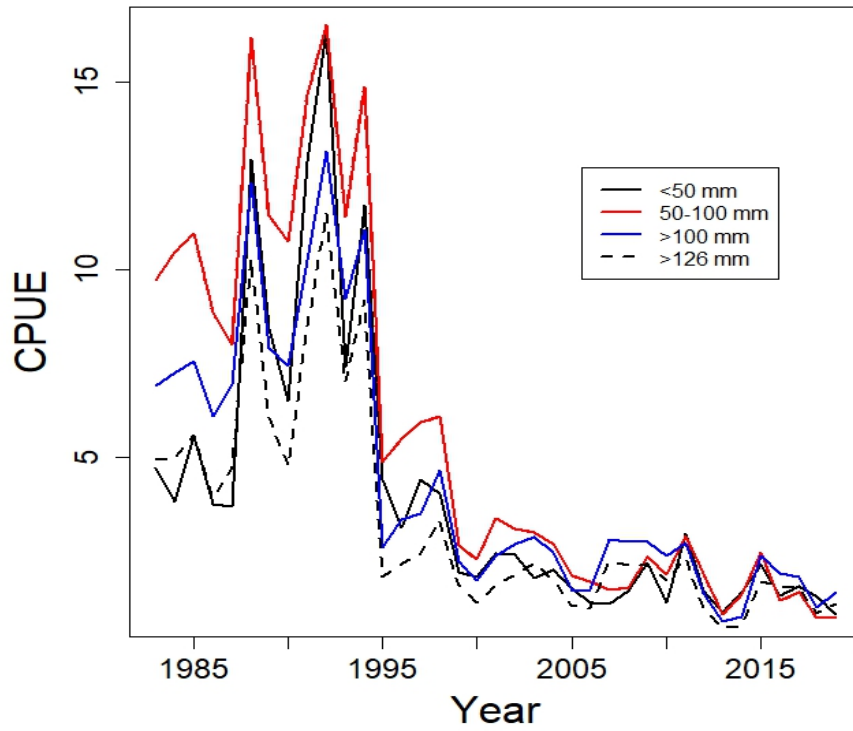
The Texas Parks and Wildlife Department (TPWD) closed state waters to crabbing (with crab traps) from February 21 – March 1, 2020. During this time, crab traps encountered are classified as “abandoned” and may be removed by Law Enforcement personnel, Department staff, and any member of the general public. A grand total of 2,029 traps were removed. We documented 327 volunteers participating onboard 95 boats during the annual closure. Table 1. has the data broken down by major bay.

**Table 1.** Abandoned Crab Trap Removal Program Summary

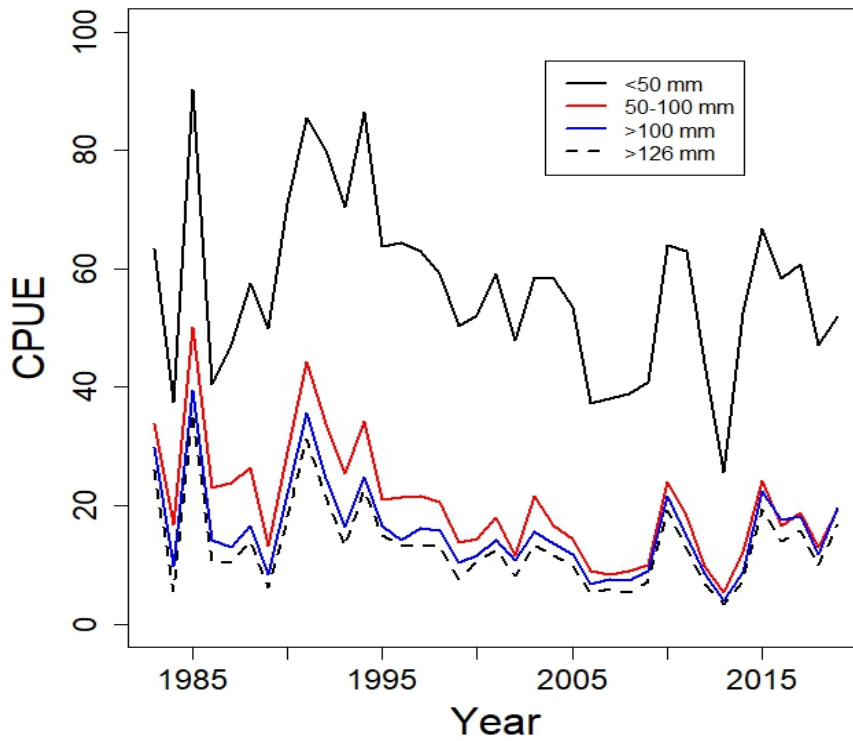
<b>ACTRP 2020 Results</b>	<b>Traps</b>	<b>Volunteers</b>	<b>Boats</b>
Sabine Lake	5	0	1
Galveston Bay	366	162	24
Matagorda Bay	140	23	15
San Antonio Bay	1,249	107	41
Aransas Bay	243	34	12
Corpus Christi Bay	21	0	0
Upper Laguna Madre	2	0	0
Lower Laguna Madre	3	1	2
<b>Totals</b>	<b>2,029</b>	<b>327</b>	<b>95</b>

#### Blue Crab Updates

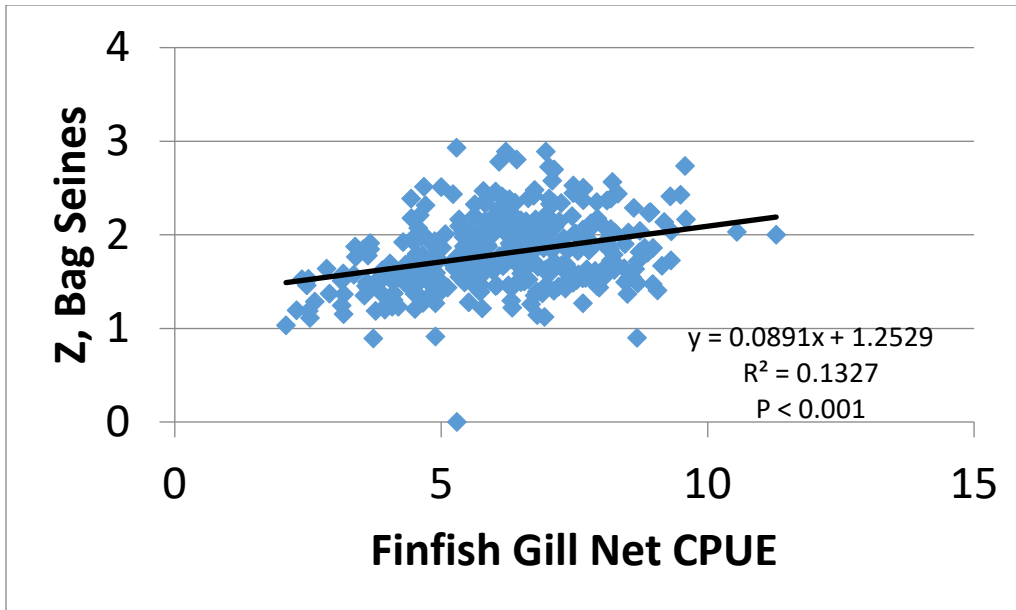
Coastwide declines in fishery independent surveys (bag seine and bay trawl) continued through 2019 (Figures 1-2). This trend was generally consistent in all Texas bay systems but was especially pronounced in central Texas coast bays and especially in bay trawl sampling gear. These declining fishery independent trends largely began in the mid-1990’s. While declining trends into the early 2000’s have slowed, relative abundance remains at low levels. Recent analyses of blue crab mortality using a length-based mortality estimator (Hoenig 1987) indicate that juvenile mortality (~15-40 mm) may be the factor inhibiting the recovery of the population. Correlations of juvenile mortality with abundance of common finfish predators may indicate predation as the primary cause here (Figure 3). Mortality (Z) of juveniles is related to abundance of cancrivorous finfish.



**Figure 1.** Fishery independent bay trawl catch rates of blue crabs in Texas.



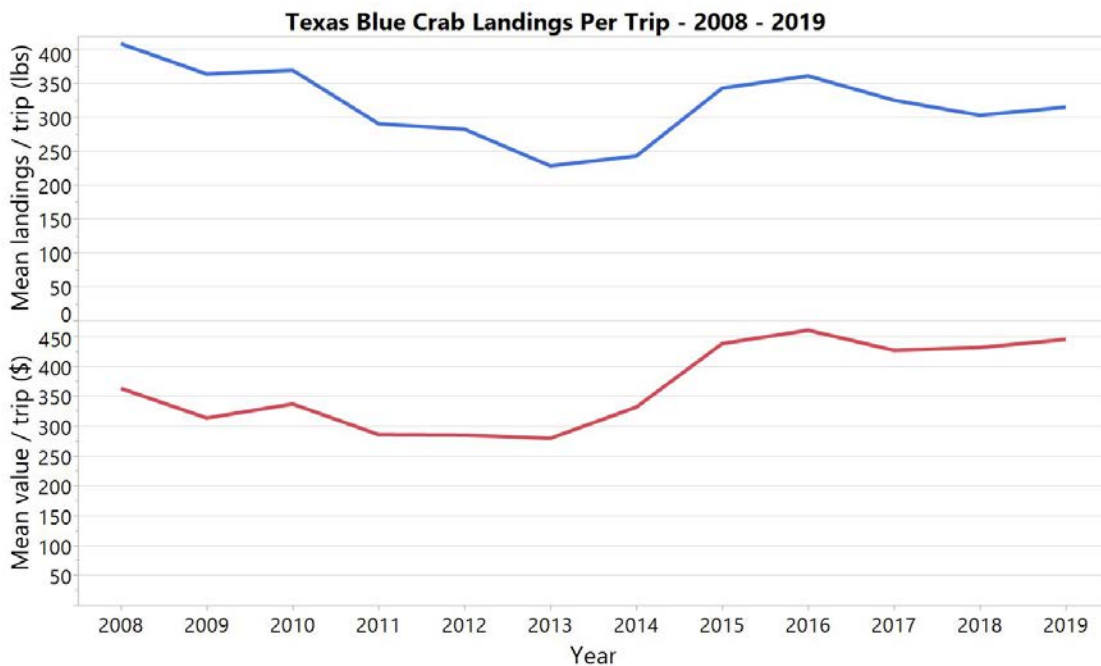
**Figure 2.** Fishery independent bag seine catch rates of blue crabs in Texas.



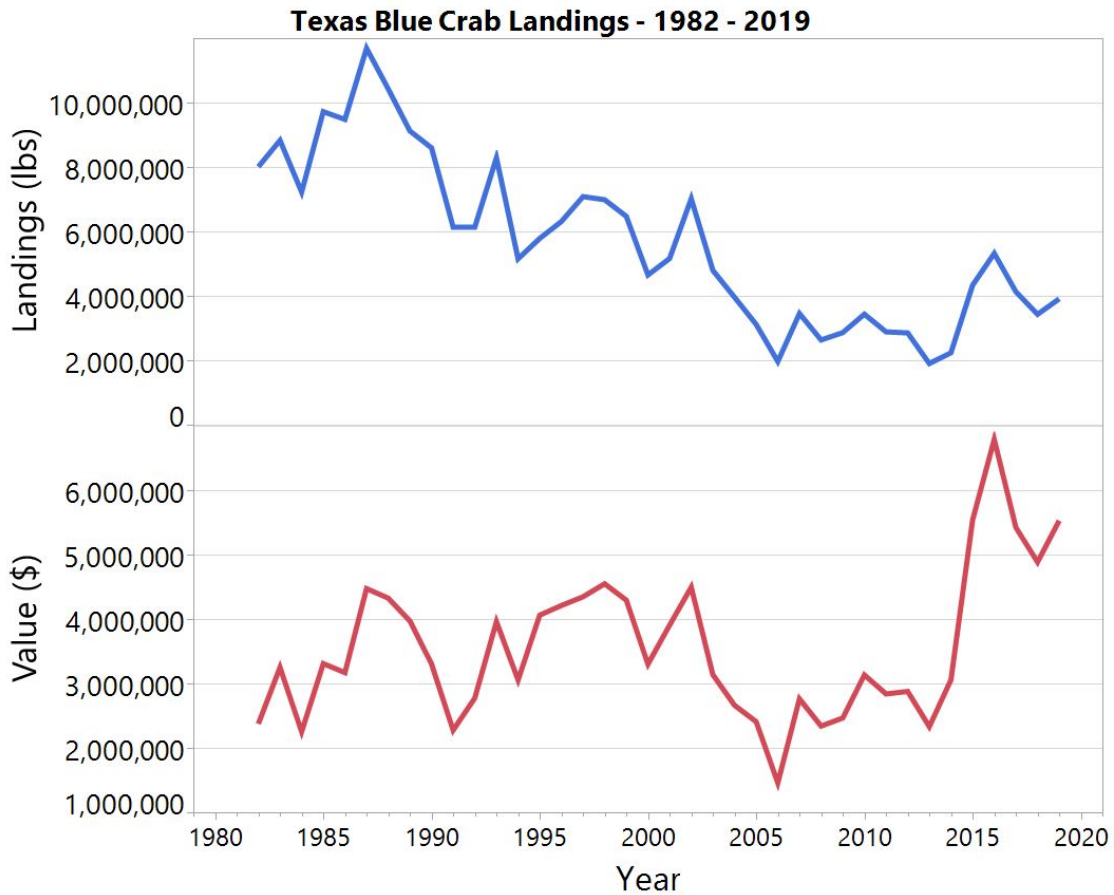
**Figure 3.** Blue crab mortality (Z) estimates vs. finfish abundance.

### Commercial Landings

When adjusted for effort, landings of blue crab in Texas have been fairly consistent over the last five years (2015-2019, see Figure 4). However, in 2019 total landings of blue crab in Texas were 3,912,577 lbs which is about 31% lower than the 37-year annual average of 5,672,167 lbs (Figure 5). With reduced landings and high demand, value has shown an increasing trend since 2014. The value of total landings in Texas in 2019 was \$5,529,154 which is about 55% higher than the 37-year average of \$3,560,901 (Figure 5).



**Figure 4.** Mean Landings and value of blue crab per trip.



**Figure 5.** Total annual landings and value of blue crab in Texas.

**Regulatory Proposals**

There were no changes made to the commercial or recreational fishing regulations concerning blue crabs during FY 2020. The following regulation is being considered for modification in FY 2022:

The use of crab traps along a small section of shoreline in Aransas Bay, Aransas County has been prohibited since the 1980’s. *“May not fish a crab trap... in the water area of Aransas Bay within one-half mile of a line from Hail Point on the Lamar Peninsula, then direct to the eastern end of Goose Island, then along the southern shore of Goose Island, then along the eastern shoreline of the Live Oak Peninsula past the town of Fulton, past Nine Mile Point, past the town of Rockport to a point at the east end of Talley Island including that part of Copano Bay within 1,000 feet of the causeway between Lamar Peninsula and Live Oak Peninsula.”*

<https://tpwd.texas.gov/regulations/outdoor-annual/fishing/general-rules-regulations/legal-devices-for-fish/#crab-traps>

This regulation is being considered for modification as: 1) it has no significant biological impact to the crab fishery and 2) it unreasonably impacts property owners in this area.

#### 4. Activities Related to Fisheries Dependent Data Collection.

##### Fishery-Dependent harvest data collection (creel surveys)

Due to COVID-19, TPWD made temporary changes to their creel sampling protocols. Our “low-use season” creel sampling is conducted from mid-November until mid-May. Creel surveys in April – May 14<sup>th</sup> were modified to not count/measure fish, and only recorded trips. On May 15<sup>th</sup>, we returned to full sampling protocols.

##### Fishery-dependent collection of otoliths for the Gulf States Biosampling program

We are collecting otoliths from multiple species in conjunction with the GSMFC biosampling program. Otoliths are being collected from recreational anglers and aged via independent contractors paid by GSMFC. To date, the following samples have been processed at our facility:

Table 4. Summary of otoliths collected from recreational species at boat ramps for Gulf States Biosampling program.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Processed</b>	<b>Requested</b>
Gray Snapper	<i>Lutjanus griseus</i>	20	100
Vermillion Snapper	<i>Rhomboplites aurorubens</i>	26	200
Red Snapper	<i>Lutjanus campechanus</i>	106	400
Triggerfish	<i>Balistes caprisucus</i>	0	50
King Mackerel	<i>Scomberomorus cavalla</i>	0	300
Sheepshead	<i>Archosargus probatocephalus</i>	100	100
Southern Flounder	<i>Paralichthys lethostigma</i>	144	200
Black Drum	<i>Pogonias cromis</i>	244	400
Red Drum	<i>Sciaenops ocellatus</i>	279	800
Spotted Seatrout	<i>Cynoscion nebulosus</i>	946	1700

#### 5. Activities Related to Fisheries-Independent Sampling.

##### **SEAMAP**

##### Vertical line (VL)

2020 Vertical longline operations were cancelled due to COVID. Staffing RVs to levels needed to conduct sampling was not possible due to distancing restrictions. We attempted to reach out to several groups to contract the work out but were unsuccessful. Operations are planned to begin again during 2021.

##### Bottom longline (BLL)

2020 Bottom longline operations were cancelled due to COVID. Staffing RVs to levels needed to conduct sampling was not possible due to distancing restrictions. We were able to acquire a longline winch for the field lab vessel in stat zone 21, so once sampling is able to commence, we can expand sampling into south Texas areas.



## 6. Other State Activities.

### License Buyback Program

#### Shrimp

##### Buyback Round 38

- Application period closed January 17, 2020 (Open approximately 60 days)
- 20 applications received
- Currently reviewing bids
- Purchased a total of 7 (4 bay and 3 bait)
- Total purchase price was \$64,500
- Avg. purchase price was \$9,214

#### Finfish

##### Buyback Round 26

- Application period closed January 17, 2020 (Open approximately 60 days)
- 2 applications received
- Currently reviewing bids
- No bids accepted – independent sales as high as \$25K

#### Crab

##### Buyback Round 23

- Application period closed January 17, 2020 (Open approximately 60 days)
- No applications received

#### Oyster

##### Buyback Round 3

- Application period closed January 17, 2020 (Open approximately 60 days)
- 2 applications received
- Currently reviewing bids
- Purchased a total of 1 license
- Total purchase price was \$12,000

### Fisheries Enhancement Program (Hatcheries)

<b>FY 2020</b>	<b>Red Drum</b>	<b>Spotted Seatrout</b>	<b>Southern Flounder</b>
<b>Water Body</b>	<b>Fingerlings stocked</b>	<b>Fingerlings stocked</b>	<b>Fingerlings stocked</b>
Aransas	2,412,477	54,766	22,377
Corpus Christi	729,711		
East Matagorda	1,993,739	2,329,842	
Galveston	6,786,757	55,635	2,958
Lower Laguna Madre	2,916,008	531,064	
Sabine Lake	1,923,992		
San Antonio	554,991	15,000	
West Matagorda	2,589,604	1,607	
Upper Laguna Madre	2,561,227		

## Freshwater

Calaveras	693,291		
Kleberg Park	2,879		
Lake Bryan	171,933		
Victor Brauning	352,036		
<b>Total</b>	<b>23,688,645</b>	<b>2,987,914</b>	<b>25,335</b>

## Perry R. Bass Marine Fisheries Research Station Updates

### 1. PRB Projects

#### Sciaenidae otolith collection

All *Sciaenops ocellatus* and *Cynoscion nebulosus* otolith age files have now been compiled into a single database to promote efficient use of the data. Although physical samples go back to 1995, preliminary analysis of spotted seatrout (*Cynoscion nebulosus*) otolith data has resulted in fishes back-aged to the 1990 cohort. Significant trends in growth among years and among Texas estuaries have been observed, and these trends are being used to assess drivers of growth and mortality. Currently, work is ongoing on a publication dealing with spotted seatrout age and body growth over a near 30-year span. Spotted seatrout otolith collections were discontinued due to COVID-19, and these collections are unlikely to resume in the near future. Similarly, we are evaluating whether to continue with red drum collections next year.

#### Eastern oyster (*Crassostrea virginica*) population genomics

This project consists of sampling oysters throughout the Gulf and using high-throughput “next generation” approaches for generating a high resolution SNP genomic data set. This will allow us to assess patterns of migration and gene flow (stock structure) as well as potential genetic loci under localized natural selection. To date, we have received samples from Florida ( $n = 3$ ), Louisiana ( $n = 2$ ), Alabama ( $n = 1$ ) and Texas ( $n = 11$ ), and sampling has been completed. Genomic sequencing has begun, and preliminary bioinformatics have been completed. Sequencing and bioinformatics are being supported by the Marine Genomics lab at Texas A&M Corpus Christi. We anticipate all lab work will be completed and final data analysis will begin this year. We conducted a side project using these oyster samples, examining morphological (shell shape) differences among oysters at the sample and regional scale. This analysis yielded interesting results that validate previous analyses of population structure based on genetics, and the findings have been written and submitted to a journal.

#### Black Drum (*Pogonias cromis*) high-resolution population genomics

Previously noted life history differences between black drum from Baffin Bay as compared to other Texas inshore areas suggests the possibility of genetic divergence on a relatively small geographic scale. We have used microsatellite data, mtDNA and discriminant analysis of principle components (DAPC) to demonstrate weak but significant genetic divergence between Baffin Bay and other Texas bays. Samples were selected for a high-resolution genomic library, and these samples have now been sequenced using the reduced-representation “ddRAD” method. Analysis of sequence data is complete, and two papers have been submitted to a journal detailing the findings. Our preliminary findings indicate weak but significant population structure of this species in Texas, and imply at least three regional populations of black drum in the western Gulf.

### Detection of white spot syndrome virus (WSSV) in wild Gulf shrimp

We measured the presence and prevalence of white spot syndrome virus (WSSV) in brown and white shrimp from Texas. We collaborated with Dr. Arun Dhar of the aquaculture pathology laboratory, University of Arizona, in obtaining an infection-positive control sample of *Litopenaeus vannamei* (Pacific white shrimp). Additionally, we identified and utilized an appropriate PCR-based laboratory assay for detecting WSSV in Texas shrimp. Sampling has been completed for this study, data is analyzed, and manuscript preparation is under way. We do not intend to collect additional samples for this project.

### Detection of shrimp black gill disease in wild Gulf shrimp

We are continuing work on a study on the presence and prevalence of shrimp black gill (sBG) in white (*Litopenaeus setiferus*) and brown (*Farfantepenaeus aztecus*) shrimp in Texas. We have identified the pathogen that seems to drive this condition in Texas, using DNA sequencing technology. In 2019,  $n = 1,605$  shrimp (white and brown combined) were sampled and sBG detection was conducted using a PCR test coupled with lab examination/diagnosis. Seasonal patterns in prevalence were identified, as was linkage between prevalence, temperature, and salinity. A paper detailing these findings has been submitted to a journal. We are continuing and expanding our sampling effort for this project. In an effort to assess impacts to Gulf commercial shrimping, we have partnered with Texas Agrilife Sea Grant extension and the offshore shrimp trawl fishing community to expand sampling offshore and link it directly to the industry.

### Observation of growth in two sizes of post-release red drum *Sciaenops ocellatus*

We are cooperating with the TPWD stock enhancement branch to determine whether there are differences in growth and body condition between stock enhancement red drum that are above versus below the size targeted at the time of harvest (35 mm). Samples of fish were collected at harvest, and individuals were fit with coded wire tags and released into wet lab tanks. Three trials have been completed (May, August, November 2020) and data analysis is ongoing. Preliminary results suggest that fish below target have a higher mortality rate post-harvest, and there are also differences in daily growth between individuals above and below harvest targets.

### Determination of hatching dates in wild southern flounder (*Paralichthys lethostigma*)

Young-of-the-year southern flounder are being collected during fishery independent sampling (TPWD). Otoliths are being extracted from all individuals and daily increment rings are being used to determine hatching dates for southern flounder. Hatching dates will be related back to environmental (water quality) conditions to render understanding of spawning and hatching conditions for southern flounder. In preliminary observations, it appears that daily rings are present and countable. We have also observed accessory growth centers that might be associated with metamorphosis. This year we included a collaborative component to this project with the TPWD stock enhancement program, and we are expecting to receive  $n = 30$  YOY flounder spawned in captivity, with known birth dates. Hatchery-reared flounder will be used to validate growth rings and accessory growth centers, and growth and timing of metamorphosis will be compared between wild and hatchery fish.

### Taxonomic uncertainty in ladyfish (*Elops saurus* versus *E. smithi*) in the western Gulf of Mexico

Research conducted in the last decade described a new species of ladyfish, *Elops smithi*, which occurs in sympatry with *E. saurus* in the Gulf of Mexico. It is unknown with what regularity this species occurs in Texas waters. Preliminary observations based on DNA sequencing (in our lab) of ladyfish previously collected in Texas suggest that both species are present. We are in the process of collecting additional

specimens *via* TPWD fishery independent sampling, paired with occasional angling. Morphological characters which diagnose each species are being counted and paired with mtDNA sequencing to take census of these species in Texas' waters. Additionally, if both species are present with regularity, we intend to construct a reduced-representation genomic library in an effort to identify historical admixture or contemporaneous hybridization between species. Expansion of this project to include other Gulf states will be considered, and coordination of this effort *via* GSMFC would be beneficial. These data will be used to clarify the taxonomy of *Elops sp.* in Texas' marine waters and improve our breadth of knowledge of Texas' marine biodiversity.

## 2. Collaborative projects

### Range-wide population genetic structure of alligator gar (*Atractosteus spatula*)

In collaboration with Dr. Brian Kreiser, (University of Southern Mississippi), we are analyzing mitochondrial DNA (mtDNA) sequence data already on hand in our lab, in an effort to examine the range-wide population structure of the species. Dr. Kreiser is analyzing a microsatellite DNA data set, and together we will attempt to compare and contrast historical versus contemporary patterns of movement and demographic exchange among drainages in the Gulf of Mexico basin. Sampling has been completed, and all genetic data has been collected and organized. Analysis of both data sets is nearing completion (mtDNA, Texas Parks and Wildlife; genomic microsatellites, University of Mississippi) and we are moving towards writing a manuscript detailing this effort and its findings.

### Age and growth of snook species in Texas' estuaries

In collaboration with biologists from our upper and lower Laguna Madre field stations, we are using otoliths to examine the age structure of common and fat snook (*Centropomus undecimalis* and *C. mexicanus*, respectively) in Texas estuaries. TPWD field biologists are using internal structures of fishes caught in fishery independent sampling to examine sex ratios and fecundity in adult snook species. We are supporting this work by aging snook previously captured in TPWD sampling gear, using thin-sectioning and microscopy of saggital otoliths. Otolith collections are ongoing in the Laguna Madre, but approximately 150 previously collected samples have also been cut and aged to expand the scope of this work.

### Taxonomic uncertainty of *Menidia sp.* in Aransas and Galveston Bays

We are supporting the work of Dr. James Derek Hogan who is conducting targeted sampling for a rare all-female silverside species, *Menidia clarkhubbsi*. Dr. Hogan's group is looking for morphological characters that might distinguish this species from other species of *Menidia*, and pairing his analysis with genomic sequencing in an effort to compare genomic loci among *M. clarkhubbsi* and the more common species *M. peninsulae* and *M. beryllina*. We are principally supporting Dr. Hogan's work with sampling effort, but J. Anderson (TPWD) is listed as a cooperator on this work, which is funded *via* a state wildlife grant (TPWD-SWG).

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First (1949-1950)	Forty-fourth (1993)
Second (1950-1951)	Forty-fifth (1994)
Third (1951-1952)	Forty-sixth (1995)
Fourth (1952-1953)	Forty-seventh (1996)
Fifth (1953-1954)	Forty-eighth (1997)
Sixth (1954-1955)	Forty-ninth (1998)
Seventh (1955-1956)	Fiftieth (1999)
Eighth (1956-1957)	Fifty-first (2000)
Ninth (1957-1958)	Fifty-second (2001)
Tenth (1958-1959)	Fifty-third (2002)
Eleventh (1959-1960)	Fifty-fourth (2003)
Twelfth (1960-1961)	Fifty-fifth (2004)
Thirteenth (1961-1962)	Fifty-Sixth (2005)
Fourteenth (1962-1963)	Fifty-Seventh (2006)
Fifteenth (1963-1964)	Fifty-Eighth (2007)
Sixteenth (1964-1965)	Fifty-Ninth (2008)
Seventeenth (1965-1966)	Sixtieth (2009)
Issues 18 through 25 (1966-1967 through 1973-1974) were not published	Sixty-First (2010)
Twenty-sixth (1974-1975)	Sixty-Second (2011)
Issue 27 (1975-1976) was not published	Sixty-Third (2012)
Twenty-eighth (1976-1977)	Sixty-Fourth (2013)
Twenty-ninth (1977-1978)	Sixty-Fifth (2014)
Thirtieth (1978-1979)	Sixty-Sixth (2015)
Thirty-first (1979-1980)	Sixty-Seventh (2016)
Thirty-second (1980-1981)	Sixty-Eighth (2017)
Thirty-third (1981-1982)	Sixty-Ninth (2018)
Thirty-fourth (1982-1983)	
Thirty-fifth (1983-1984)	
Thirty-sixth (1984-1985)	
Thirty-seventh (1985-1986)	
Thirty-eighth (1986-1987)	
Thirty-ninth (1987-1988)	
Fortieth (1988-1989)	
Forty-first (1989-1990)	
Forty-second (1991)	
Forty-third (1992)	

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2018 October. Kemp's Ridley -

2018 March. Off-Bottom Oyster Aquaculture in the Gulf of Mexico; 2017 Grants. March 2018. GSMFC 68th Annual Spring Meeting General Session. Gulf States Marine Fisheries Commission (online only).

2017 October. Terrapins and Crab Traps; Examining interactions between terrapins and the crab industry in the Gulf of Mexico. October 2017 GSMFC 68<sup>th</sup> Annual Meeting General Session. Gulf States Marine Fisheries Commission (online only).

2017 March. Harmful Algal Blooms (HABs) in the Gulf of Mexico. March 2016 GSMFC 67<sup>th</sup> Annual Meeting General Session. Gulf States Marine Fisheries Commission (online only).

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### NEWSLETTER - Discontinued

"**COMPACT NEWS**," a newsletter from the Gulf States Marine Fisheries Commission Staff, is edited by Nancy K. Marcellus and currently published bi-annually (April and November).

*For more information on publications, please contact:*

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Ocean Springs, MS 39564  
Phone (228) 875-5912 x-223  
Fax (228) 875-6604

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WB-2. July 1989. Two Methods of Monitoring and Assessment of Artificial Reef Materials. Ronald R. Lukens, John D. Cirino, J.A. Ballard, and Glenn Geddes. Gulf States Marine Fisheries Commission.



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- WB, December 1990. Anadromous Fish Restoration Programs in the Gulf of Mexico. Vernon Minton and Ronald R. Lukens, editors. Gulf States Marine Fisheries Commission.
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- WB-9. March 1991. Marine Recreational Fisheries Statistics Survey Intercept Survey Standards for Quality Control. TCC Data Management Subcommittee. Gulf States Marine Fisheries Commission.
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The Commercial Fisheries Information Network (ComFIN), A Whitepaper Discussion Regarding the Need for Planning and Coordination of the Collection and Management of Commercial Fishery Statistics. **see Special Report No. 12-WB.** April 1994.

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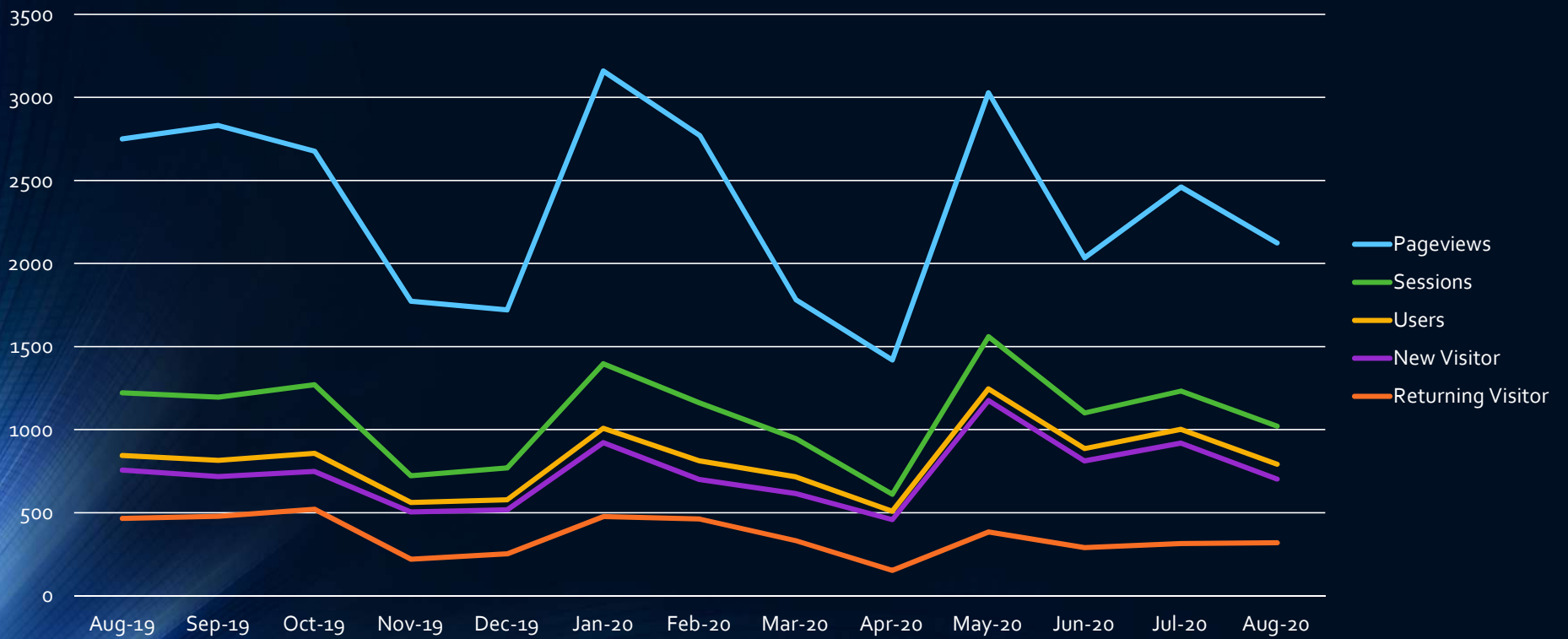
May 1993. Proceedings: Fifth Annual MARFIN Conference, October 28-29, 1992, Corpus Christi, Texas.



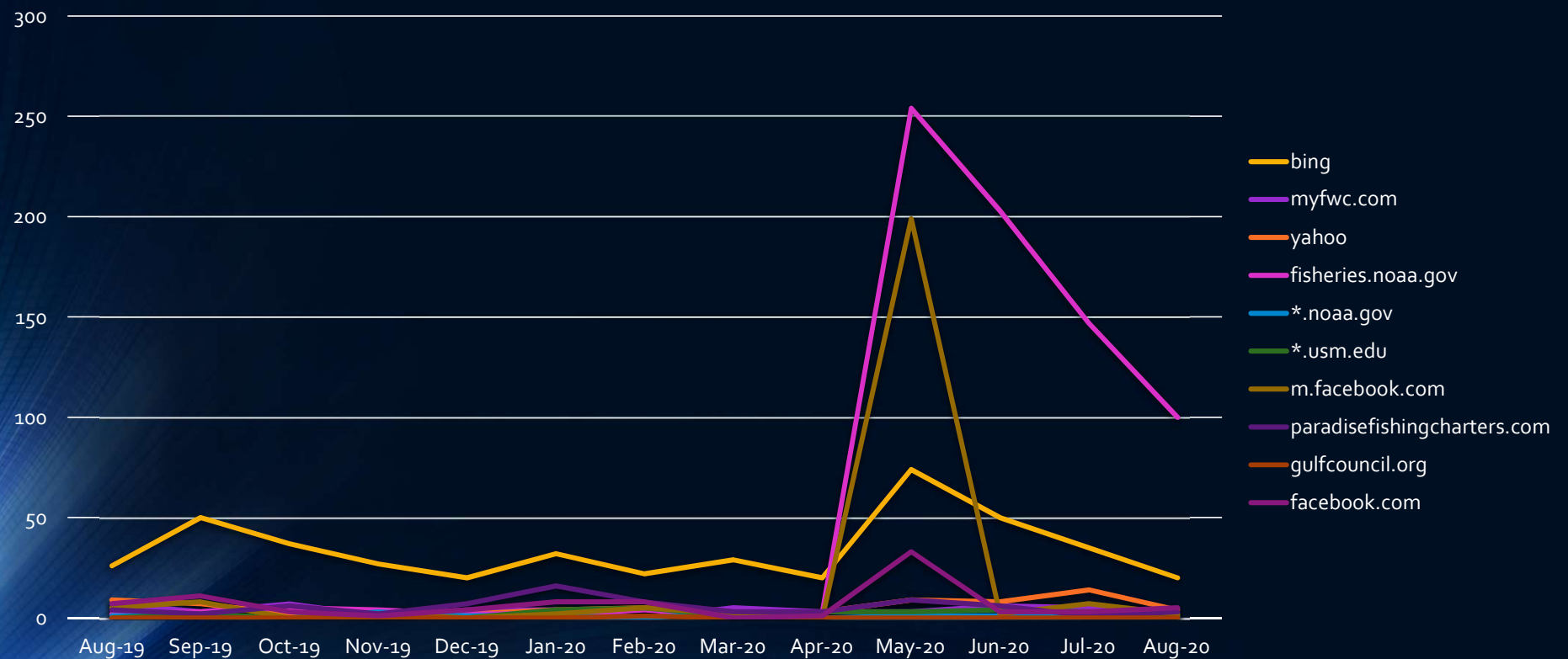
# GSMFC Website Stats

[WWW.GSMFC.ORG](http://WWW.GSMFC.ORG)

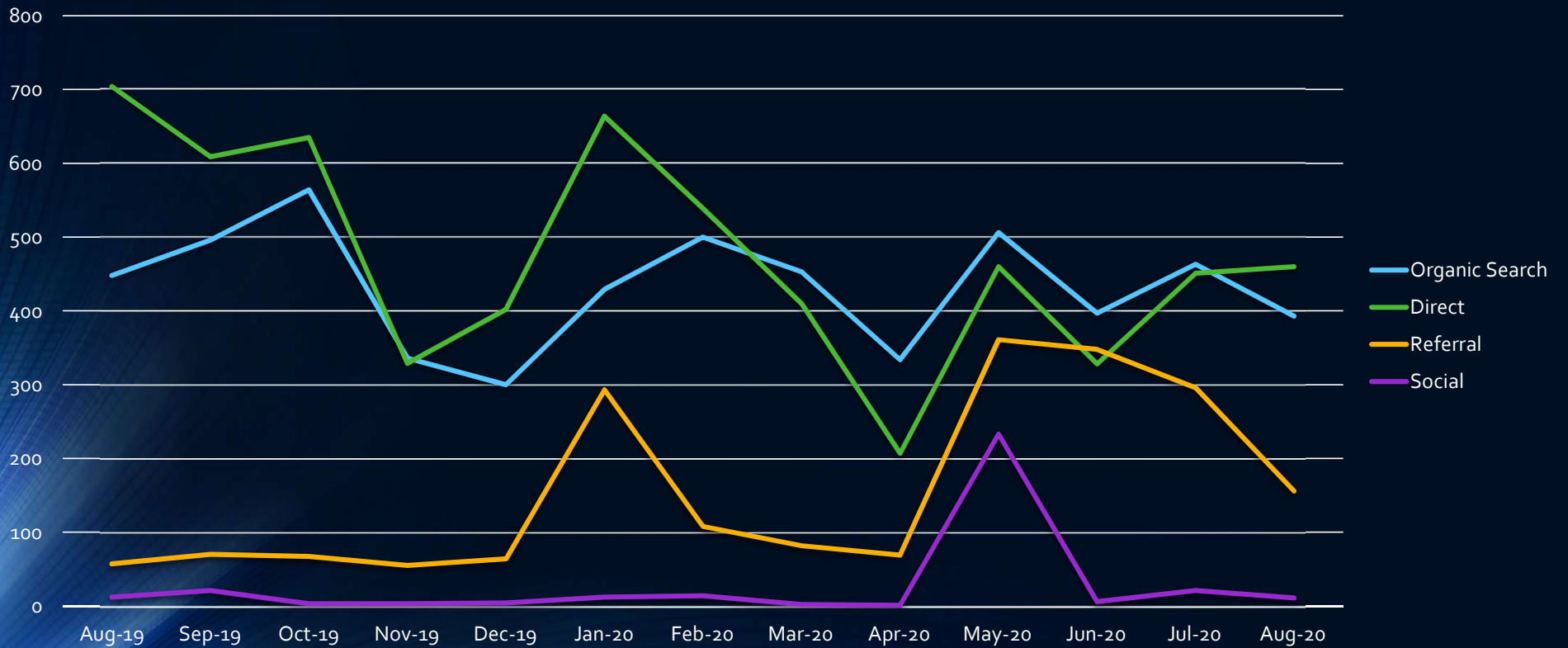
# GSMFC Website Overview



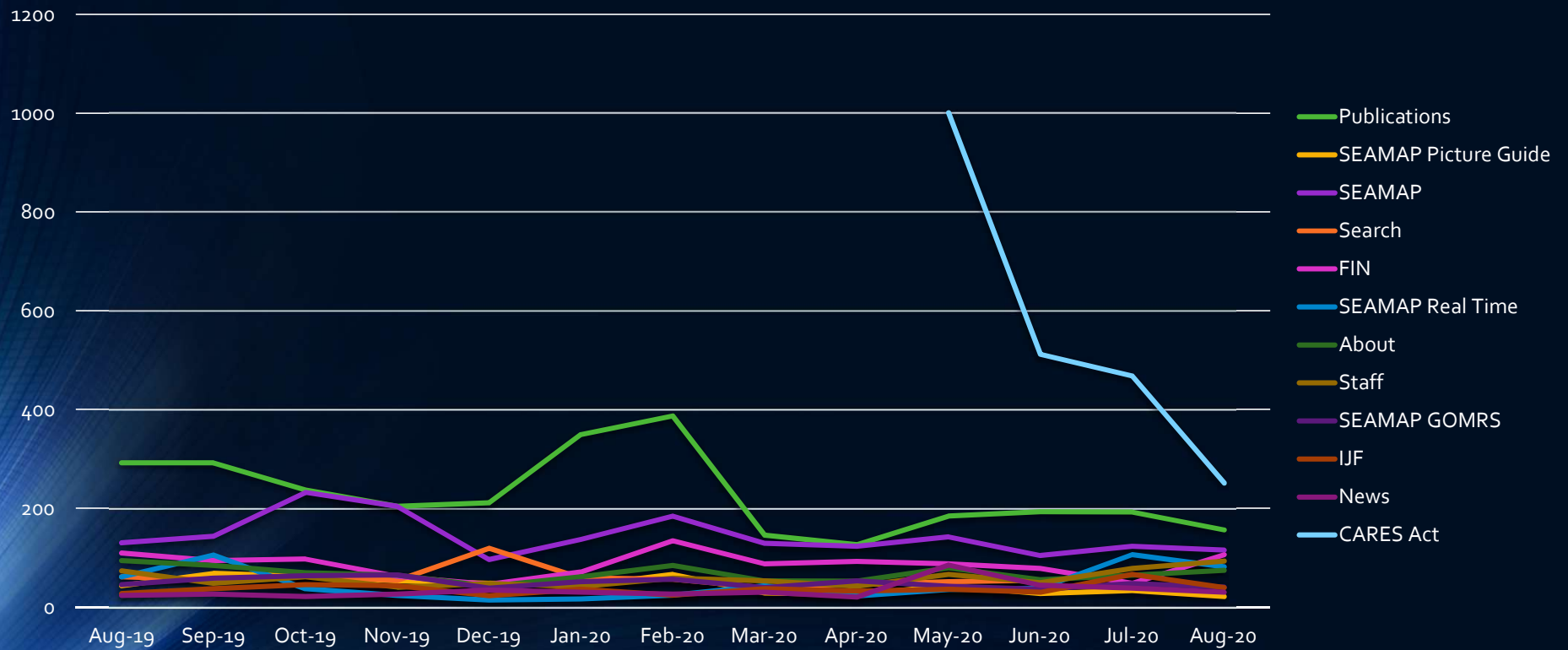
# GSMFC Website Sessions from Source



# GSMFC Website Sessions from Channel



# GSMFC Website Top Pages



# GSMFC Website Top Search Terms





**GULF STATES MARINE FISHERIES COMMISSION**  
**LIST OF OFFICERS**  
1989 - 2020

	<u>1989 - 1990</u>
<b>Chairman</b>	Tommy Gollott (MS)
<b>V. Chairman</b>	Don Duden (FL)
	<u>1990 - 1991</u>
<b>Chairman</b>	Don Duden (FL)
<b>V. Chairman</b>	Leroy Kiffe (LA)
<b>2nd V. Chairman</b>	Taylor Harper (AL)
	<u>1991 - 1992</u>
<b>Chairman</b>	Leroy Kiffe (LA)
<b>V. Chairman</b>	Taylor Harper (AL)
<b>2nd V. Chairman</b>	Rudy Rosen (TX)
	<u>1992 - 1993</u>
<b>Chairman</b>	Taylor Harper (AL)
<b>V. Chairman</b>	Rudy Rosen (TX)
<b>2nd V. Chairman</b>	Joe Gill (MS)
	<u>1993 - 1994</u>
<b>Chairman</b>	Rudy Rosen (TX) (vacated 6/94)
<b>Chairman</b>	Joe Gill (MS) (took over 6/94)
<b>V. Chairman</b>	Ed Conklin (FL)
<b>2nd V. Chairman</b>	Vacant (LA)
	<u>1994-1995</u>
<b>Chairman</b>	Joe Gill (MS) (vacated 12/94)
<b>Chairman</b>	Ed Conklin (FL) (took over 1/95)
<b>V. Chairman</b>	Corky Perret (LA)
<b>2nd V. Chairman</b>	Vacant (AL)
	<u>1995-1996</u>
<b>Chairman</b>	Corky Perret (LA) (vacated 7/96)
<b>Chairman</b>	C. Nelson (AL) (took over 8/96)
<b>V. Chairman</b>	G. McCarty (TX)
<b>2nd V. Chairman</b>	Vacant (MS)
	<u>1996-1997</u>
<b>Chairman</b>	Walter Penry (AL) (took over 10/96)
<b>V. Chairman</b>	Gene McCarty (TX)
<b>2nd V. Chairman</b>	George Sekul (MS)

	<u>1997-1998</u>
<b>Chairman</b>	Buster Brown (TX)
<b>V. Chairman</b>	George Sekul (MS)
<b>2nd V. Chairman</b>	Ed Conklin (FL)
	<u>1998-1999</u>
<b>Chairman</b>	George Sekul (MS)
<b>V. Chairman</b>	Ed Conklin (FL)
<b>2nd V. Chairman</b>	Frederic Miller (LA)
	<u>1999-2000</u>
<b>Chairman</b>	Frederic Miller (LA)
<b>V. Chairman</b>	Russell Nelson (FL)
<b>2nd V. Chairman</b>	Vernon Minton (AL)
<b>Chairman Appointee</b>	Don Perkins (TX)
<b>Immediate Past Chairman</b>	George Sekul (MS)
	<u>2000 - 2001</u>
<b>Chairman</b>	Virginia Vail (FL)
<b>V. Chairman</b>	Vernon Minton (AL)
<b>2<sup>nd</sup> V. Chairman</b>	Mike Ray (TX)
<b>Chairman Appointee</b>	Corky Perret (MS)
<b>Immediate Past Chairman</b>	Frederic Miller (LA)
	<u>2001 - 2002</u>
<b>Chairman</b>	Vernon Minton (AL)
<b>V. Chairman</b>	Mike Ray (TX)
<b>2<sup>nd</sup> V. Chairman</b>	Billy Hewes (MS)
<b>Chairman Appointee</b>	John Roussel (LA)
<b>Immediate Past Chairman</b>	Virginia Vail (FL)
	<u>2002 - 2003</u>
<b>Chairman</b>	Mike Ray (TX)
<b>V. Chairman</b>	Billy Hewes (MS)
<b>2<sup>nd</sup> V. Chairman</b>	John Roussel (LA)
<b>Chairman Appointee</b>	Virginia Vail (FL)
<b>Immediate Past Chairman</b>	Vernon Minton (AL)
	<u>2003 - 2004</u>
<b>Chairman</b>	Billy Hewes (MS)
<b>V. Chairman</b>	John Roussel (LA)
<b>2<sup>nd</sup> V. Chairman</b>	Virginia Vail (FL)
<b>Chairman Appointee</b>	Vernon Minton (AL)
<b>Immediate Past Chairman</b>	Mike Ray (TX)

2004 - 2005  
**Chairman** John Roussel (LA)  
**V. Chairman** Virginia Vail (FL)  
**2<sup>nd</sup> V. Chairman** Chris Nelson (AL)  
**Chairman Appointee** Mike Ray (TX)  
**Immediate Past Chairman** Vacant (MS)

2005 - 2006  
**Chairman** Virginia Vail (FL)  
**V. Chairman** Vernon Minton (AL)  
**2<sup>nd</sup> V. Chairman** Ralph Rayburn (TX)  
**Chairman Appointee** Corky Perret (MS)  
**Immediate Past Chairman** John Roussel (LA)

2006 - 2007  
**Chairman** Vernon Minton (AL)  
**V. Chairman** Ralph Rayburn (TX)  
**2<sup>nd</sup> V. Chairman** Joe Gill (MS)  
**Chairman Appointee** John Roussel (LA)  
**Immediate Past Chairman** Virginia Vail (FL)

2007 - 2008  
**Chairman** Ralph Rayburn (TX) (deceased 1/08)  
**Chairman** Joe Gill (MS) (took over 2/08)  
**V. Chairman** John Roussel (LA)  
**2<sup>nd</sup> V. Chairman** Virginia Vail (FL)  
**Chairman Appointee** Mike Ray (TX)  
**Immediate Past Chairman** Vernon Minton (AL)

2008 - 2009  
**Chairman** Butch Gautreaux (LA)  
**V. Chairman** Virginia Vail (FL)  
**2<sup>nd</sup> V. Chairman** Vernon Minton (AL)  
**Chairman Appointee** Mike Ray (TX)  
**Immediate Past Chairman** Joe Gill (MS)

2009 - 2010  
**Chairman** Virginia Vail (FL)  
**V. Chairman** Vernon Minton (AL)  
**2<sup>nd</sup> V. Chairman** Mike Ray (TX)  
**Chairman Appointee** Joe Gill (MS)  
**Immediate Past Chairman** Butch Gautreaux (LA)

2010 - 2011  
**Chairman** Mike Ray (TX)  
**V. Chairman** Chris Blankenship (AL)  
**2<sup>nd</sup> V. Chairman** Joe Gill (MS)  
**Chairman Appointee** Joey Shepard (LA)  
**Immediate Past Chairman** Vacant (FL)

2011 - 2012  
**Chairman** Chris Blankenship (AL)  
**V. Chairman** Joe Gill (MS)  
**2<sup>nd</sup> V. Chairman** Joey Shepard (LA)  
**Chairman Appointee** David Heil (FL)  
**Immediate Past Chairman** Mike Ray (TX)

2012 - 2013  
**Chairman** Joe Gill (MS)  
**V. Chairman** Randy Pausina (LA)  
**2<sup>nd</sup> V. Chairman** David Heil (FL)  
**Chairman Appointee** Mike Ray (TX)  
**Immediate Past Chairman** Chris Blankenship (AL)

2013 - 2014  
**Chairman** Randy Pausina (LA)  
**V. Chairman** Dan Ellinor (FL)  
**2<sup>nd</sup> V. Chairman** Robin Riechers (TX)  
**Chairman Appointee** Chris Blankenship (AL)  
**Immediate Past Chairman** Joe Gill (MS)

2014 - 2015  
**Chairman** Dan Ellinor (FL)  
**V. Chairman** Mark Lingo (TX)  
**2<sup>nd</sup> V. Chairman** Chris Blankenship (AL)  
**Chairman Appointee** Kelly Lucas (MS)  
**Immediate Past Chairman** Randy Pausina (LA)

2015 - 2016  
**Chairman** Mark Lingo (TX)  
**V. Chairman** Chris Blankenship (AL)  
**2<sup>nd</sup> V. Chairman** Kelly Lucas (MS)  
**Chairman Appointee** Patrick Banks (LA)  
**Immediate Past Chairman** Dan Ellinor (FL)

2016-2017  
**Chairman** Chris Blankenship (AL)  
**V. Chairman** Jamie Miller (MS)  
**2<sup>nd</sup> V. Chairman** Bret Allain (LA)  
**Chairman Appointee** Dan Ellinor (FL)  
**Immediate Past Chairman** Mark Lingo (TX)

2017-2018  
**Chairman** Jamie Miller (MS) (vacated 12/17)  
**Chairman** Bret Allain (LA) (took over 1/18)  
**V. Chairman** Joe Spraggins (MS)  
**2<sup>nd</sup> V. Chairman** Dan Ellinor (FL)  
**Chairman Appointee** Mark Lingo (TX)  
**Immediate Past Chairman** Scott Bannon (AL)

2018-2019  
**Chairman** Joe Spraggins (MS)  
**V. Chairman** Dan Ellinor (FL)  
**2<sup>nd</sup> V. Chairman** Lance Robinson (TX)  
**Chairman Appointee** Scott Bannon (AL)  
**Immediate Past Chairman** Bret Allain (LA)

2019-2020  
**Chairman** Dan Ellinor (FL)  
**V. Chairman** Lance Robinson (TX)  
**2<sup>nd</sup> V. Chairman** Scott Bannon (AL)  
**Chairman Appointee** Jason Froeba (LA)  
**Immediate Past Chairman** Joe Spraggins (MS)