

AMENDMENTS TO THE COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES APPROPRIATIONS BILL  
FY2021

Full Committee Markup  
House Appropriations Committee  
July 14, 2020

adopted  
voice

**Commerce, Justice, Science, and Related Agencies Appropriations  
Bill, 2021**

**MANAGER'S AMENDMENT**

**Offered by Mr. Serrano of New York**

**In the bill:**

Page 78, line 8, strike "by:", and insert "—"

Page 78, line 9, insert "by" after "(a)".

Page 78, line 11, strike "inserting after 'Federal Bureau of Investigation': ', or the United States Marshals Service'."

and replace with

"by inserting ', or the United States Marshals Service' after 'Federal Bureau of Investigation'."

Page 126, line 17, strike "by:", and insert "—"

Page 126, line 18, insert "by" after "(a)".

Page 126, line 20, insert "by" after "(b)".

**In the report:**

On page 27, immediately before the paragraph entitled "Sexual Assault and Sexual Harassment", insert the following new paragraph:

*"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.”

On page 52, immediately before the heading “Salaries and Expenses”, insert the following new paragraph:

*“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.”

On page 78, immediately before the heading “Construction”, insert the following new paragraph:

*“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.”

On page 86, immediately before the heading “Buildings and Facilities”, insert the following new paragraph:

*“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.”

On page 93 after the paragraph titled, “Community Policing Practices, and Accountability Measures Between Agencies” insert the following paragraph:

*“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.”

On page 98, under the heading, “*Uses of Byrne JAG*”, at the end of the first paragraph, after "intervention teams." insert the following: "The Committee supports the use 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."

On page 109, under the heading, “*PROTECT Our Children Act*”, after “designate a” strike “senior” and insert the following: “Senior Executive Service (SES) level”.



On page 111, under the heading, “*School resource officers (SROs)*”, delete the second paragraph and insert the following new paragraph:

“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.”

On page 115 at the end of the paragraph entitled “Federally Funded Scientific Research”, insert: “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.”

On page 120 in the third sentence under “Jupiter Europa Missions” following “The Committee understands” strike “the mission must select” and insert: “that in order to stay on schedule, the mission desires to select”.

And, continuing on page 120 at the end of the “Jupiter Europa Missions” paragraph, insert: “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.”

On page 122 at the end of the paragraph entitled, “Hypersonics Technology Project”, insert: “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.”

On page 123 at the end of the paragraph on Regional Economic Development, insert: “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.”

On page 131, under the heading, “*Artificial intelligence (AI)*”, strike the last paragraph, and insert the following new paragraph:

“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.

On page 132, under the heading, “Historically Black Colleges and Universities Excellence in Research Program” strike “equal to the fiscal year 2020 level”.



On page 138, under the heading, “*Summary of Equal Pay Data and Report*”, at the end of the second paragraph, after “analysis.”, insert the following: “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.”

On page 139, after the paragraph entitled “Bilateral Trade Agreements”, insert the following new paragraph:

*“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.”