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# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

March 10, 2017

The Honorable Mike Enzi, Chairman  
The Honorable Bernie Sanders, Ranking Member  
Senate Budget Committee  
64 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Enzi and Ranking Member Sanders:

This letter provides our views and estimates to the Committee on Budget on matters within the jurisdiction of the Committee on Commerce, Science, and Transportation regarding the fiscal year (FY) 2018 budget resolution. The administration has proposed severe cuts that would have serious ramifications to many of the programs within this jurisdiction, including National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the National Highway Traffic Safety Administration, the Coast Guard, and the Transportation Security Administration. Our recommendations are expressed as changes relative to the Congressional Budget Office's (CBO) January 2017 baseline estimate of the budget authority and outlays associated with continuing current federal programs over the 2017-2027 period.

## Department of Commerce

### *National Oceanic and Atmospheric Administration (NOAA)*

NOAA's work directly supports both commercial activity and public safety. Funding constraints undermine the economic value derived from NOAA products and services—like vital weather forecasts, nautical charts, and fishery data. The Commerce Committee will likely develop several legislative proposals to support NOAA infrastructure, research, and services. Therefore, we support funding for NOAA at \$270 million above the baseline for FY 2018.

To carry out its diverse missions, NOAA relies on observing infrastructure—including satellites, ships, and aircraft. These observing platforms form the foundation from which NOAA gathers oceanic, atmospheric, and fishery data. Continued investment in the next polar-orbiting satellites is necessary to support numerical weather prediction. To meet that need, NOAA requires an increase of \$203 million above base to support the continued development of the Polar Follow-On.

Additionally, NOAA's fleet of 16 oceanographic vessels and nine aircraft is rapidly aging to the point where poor reliability compromises the ability of the infrastructure to meet the agency's current and future needs. Specifically, we are gravely concerned that NOAA's Gulfstream Aircraft was grounded during Hurricane Hermine reconnaissance missions for emergency corrosion repair. NOAA currently has no backup capability for this aircraft—which provides public safety data. Senator Nelson has filed legislation to ensure that this single point of failure is addressed. We strongly urge the Budget Committee to include \$62 million in FY 2018 authority (consistent with the 2016 NOAA Business Case Analysis estimate) to acquire and install the necessary equipment package on an additional Gulfstream aircraft.

NOAA recently released a detailed fleet recapitalization plan which smartly capitalizes on existing designs to minimize costs and construction time, and we support the funding needed to acquire the first Class A oceanographic research vessel based on the Navy's *Neil Armstrong*-class AGOR design, which is consistent with the baseline.

NOAA is a premier science agency, with employees and extramural grantees conducting world-class research that yields real world benefits. Yet the agency faces a significant backlog in hiring. This is especially dangerous when it comes to vacancies related to public safety missions at NOAA, like the meteorologists at the National Weather Service or the NOAA Commissioned Officer Corps pilots who fly the Hurricane Hunters. We recommend an increase of \$5 million above the baseline to address the most critical vacancies in the NOAA workforce.

Finally, recent executive orders and media reports regarding the administration's potential budget request could jeopardize essential NOAA functions. For example, the executive order regarding a hiring freeze unduly delays the hiring of meteorologists who issue severe weather watches and warnings. This is simply dangerous. Furthermore, suggestions of a \$513 million reduction in the satellite programs, a 26 percent cut to research, a wholesale elimination of the National Sea Grant College Program, or a 17 percent cut to NOAA as a whole are irresponsible. The Senate passed legislation to reauthorize the Sea Grant program on three separate occasions in the 114<sup>th</sup> Congress, and the Commerce Committee has already reported out similar legislation this year. There is broad bipartisan support for NOAA's work because it directly benefits the economy and public safety. We strongly urge you to oppose these proposals.

### *National Institute of Standards and Technology (NIST)*

NIST drives U.S. commerce and innovation by advancing measurement science, standards, and technology. The research conducted at NIST labs impacts many areas of everyday life and plays an important role in improving the safety and security of citizens and companies, conducting research in areas like building safety and resilience, the detection of trace explosives and nuclear materials, improving the security of voting systems, and advancing cybersecurity.

In recent years, NIST stood up the Advanced Manufacturing National Program Office, which coordinates the Manufacturing USA institutes across the country. This program, which promotes American competitiveness, is supported by industry and academia, and we strongly endorse continued funding.

NIST also plays a prominent role in the development of cybersecurity standards for our nation's critical infrastructure and government computer systems. In particular, in 2014, NIST developed and released the *Framework for Improving Critical Infrastructure Cybersecurity*. This initiative, codified in law under the Cybersecurity Enhancement Act of 2014, is almost universally regarded as a success and provides critical infrastructure stakeholders with vital guidance and expertise on how to protect their computer networks from cyberattacks. The NIST Framework is an evolving document that requires NIST to continuously work with critical infrastructure stakeholders and cyber experts to modify and tailor the Framework's guidelines to meet an ever-evolving global cyber threat. Furthermore, NIST provides technical assistance to the Elections Assistance Commission (EAC) to develop voluntary voting system guidelines for states and localities to protect their computer systems and voting technology from cyberattacks and other means of voter fraud. Given that our national intelligence agencies have verified that Russian state actors attempted to sway the 2016 election with a series of cyberattacks, NIST's work with the EAC is more important than ever. Senators Nelson and Udall recently sent a letter to NIST urging the agency to develop standards that specifically address the threat of future Russian interference.

Early reports indicate that the administration may request approximately a 20 percent reduction for the Department of Commerce. Such a cut would be devastating to NIST's ongoing work to continue NIST's critical work in promote competitiveness, innovation, and security. We recommend funding NIST at \$1.013 billion for FY 2018, an increase of \$15 million above the baseline for this agency. This level of funding for FY 2018 would be in accordance with the bipartisan agreement reached by the Commerce Committee in 2016, as reflected in the reported American Innovation and Competitiveness Act.

#### ***National Telecommunications and Information Administration (NTIA)***

Any further cuts to NTIA's budget could threaten the important work the agency does managing federal use of spectrum and examining possibilities for making that spectrum available for commercial use. It also could undermine our relationships with international telecommunications regulators, who often look to the U.S. as a model for effective communications regulation. Finally, cutting funding for NTIA could weaken international data privacy and data flow agreements, harming international commerce and the economy.

#### **Department of Transportation**

##### ***Infrastructure Funding***

The FAST Act, which authorized more than \$300 billion in funding for FY 2016 through 2020, was enacted in December 2015 (P.L. 114-94). The FAST Act included authorizations for several areas within the Commerce Committee's jurisdiction, including vehicle safety, truck and bus safety, freight, rail, research, and hazardous materials. For the first time, the surface transportation authorization included the Amtrak authorization, which made substantial reforms to improve and enhance passenger rail service. In order for these programs to be successful, however, the agencies must receive the full authorized funding levels. Any potential funding cuts

could undermine the ability of these agencies to properly implement the FAST Act. This is especially true for the rail and safety programs that do not receive dedicated funding from the Highway Trust Fund. To that end, we strongly support full funding for implementation of the FAST Act.

Further, Senate Democrats authored a blueprint to make a \$1 trillion investment to modernize our crumbling infrastructure and create 15 million jobs that our economy desperately needs. The proposal includes funding for critical infrastructure programs like rebuilding America's roads and bridges, modernizing rail infrastructure, expanding broadband, building more resilient communities, and building critical water infrastructure projects. We support funding above the baseline to implement the blueprint and fix America's crumbling infrastructure.

### ***Rail Safety***

Rail safety continues to be a serious problem whether it's highway-rail grade crossings or implementing safety technologies to prevent accidents from happening. Highway-rail grade crossing collisions are the second leading cause of rail-related deaths and the top cause of all rail accidents. Further, rail technologies like positive train control (PTC), can help prevent rail collisions. In 2015, more than 200 passengers were injured and eight passengers were killed when an Amtrak train sped into a curve and derailed. The National Transportation Safety Board found that PTC could have prevented the crash. Railroads around the country are working to implement the critical safety technology. However, commuter railroads estimate that more than \$3 billion is necessary to cover the costs of implementing PTC. Any potential funding cuts to the Federal Railroad Administration could have serious impacts on rail safety. We support additional rail safety funding above the baseline to help address these important rail safety issues.

### ***National Highway Traffic Safety Administration (NHTSA)***

The administration's recent freezes on federal hiring and regulatory action are compounding the urgency of ensuring – as directed by Congress – the adequate personnel and resources for this vital safety agency. Nearly a dozen safety-related rulemaking proceedings, such as on vehicle-to-vehicle communications, have been placed on indefinite hold, and critical safety-related vacancies at NHTSA are unfilled. In fact, at least several individuals who had accepted job offers for safety roles in NHTSA's Office of Defects Investigation (ODI) have been prevented from employment by the hiring freeze. Without the adequate personnel and expertise in place at ODI, we fear the bipartisan efforts to improve NHTSA's vehicle safety mission – as well as the agency's own efforts to improve ODI's investigative processes and organization – will be undone. While we hope Secretary Chao exempts NHTSA from the hiring freeze because of its public safety responsibilities – as explicitly permitted by the presidential memorandum – we remain deeply concerned about the safety implications of failing to provide NHTSA with the necessary funding levels.

In 2015 and 2016, traffic deaths – already a leading cause of accidental death in the United States – spiked by percentage increases not seen in our nation in over a half century. This disturbing trend highlights the urgent need for additional resources and expertise at NHTSA in order to research and find technological solutions to so many tragedies. As such, funding for NHTSA must be increased well above the baseline figures in order to provide robust protection to the American public. We support higher funding levels that would allow NHTSA to revolutionize the life-saving New Car Assessment Program as well as funding safety-critical research into electronics reliability, cybersecurity, vehicle control systems, and automation technologies. In sum, NHTSA's vehicle safety programs must have sufficient resources and personnel to meet the challenge of fulfilling the agency's mission to save lives on the road and protect the American driving public.

### ***Federal Aviation Administration (FAA)***

We have very serious concerns about privatizing the air traffic control system. Our focus should be on improving the aviation system and supporting the FAA's "NextGen" initiative to modernize air traffic control. Efforts to privatize will result in disruption and uncertainty, and it will undermine the longstanding and important relationship between the FAA and the Department of Defense. That working relationship is vital to our national security interests.

Work is continuing on a long-term reauthorization of the FAA. In the meantime, we support funding the FAA above the baseline for FY 2018 to continue implementing the mandates of the FAA Extension, Safety, and Security Act of 2016, which extended FAA's operating authority through September 30, 2017 (P.L. 114-190). Any reduction in funding would significantly impede implementation of those mandates and would also jeopardize FAA's ongoing modernization efforts through the NextGen program.

### **Department of Homeland Security**

#### ***U.S. Coast Guard***

It has been reported in the press recently that the administration may propose a cut to the Coast Guard's budget of \$1.3 billion for the coming fiscal year. Such a move would directly contradict the administration's stated plan to increase military spending by \$54 billion, and would have serious negative impacts on the Coast Guard's ability to secure our maritime borders against illegal migrants and drugs. To preserve the Coast Guard's readiness to fulfill current mission needs and sustain the recapitalization of the Service's aging air and surface assets, an amount above the baseline of \$9.516 billion in discretionary funding is needed for FY 2018. This is necessary to preserve the pace of acquisitions for new assets while at the same time maintaining critical coastal infrastructure that is increasingly being battered by severe storms as a result of climate change and sea level rise.

The Coast Guard is a maritime, multi-mission military branch of the Armed Forces that is responsible for 11 diverse statutory missions, including drug interdiction, migrant interdiction, and marine environmental protection. In 2015 alone, the Coast Guard saved 3,536 lives, seized 179 metric tons of illegal drugs, and detained 503 suspected smugglers bound for our coasts, ensuring the safety and security of U.S. waters.

The Coast Guard is doing an admirable job with the resources it has, but the extreme age of the Service's assets—its vessels, aircraft, and shoreside infrastructure—are taking a toll on mission readiness. We have no redundancy available in our aged icebreaker fleet, leaving American personnel in the Arctic and Antarctic at risk of missing critically needed seasonal supplies. Many of our fixed and rotary wing assets are stretched to the edge of their operational service lives, resulting in frequent mechanical failures. These breakdowns can open gaps in our barrier against the flow of migrants and narcotics, cost lives, and cede our interests in the polar regions and on the high seas to foreign interests. The Coast Guard must maintain a timely recapitalization of its assets. Specifically, the Coast Guard requires adequate funding to continue procurement of the new Offshore Patrol Cutter, complete a ninth National Security Cutter for which long lead-time materials already have been procured, begin to missionize its 14 new C-27J aircraft, construct new polar icebreakers, and extend the service life of the Coast Guard's sole operational heavy icebreaker, POLAR STAR.

The increasing intensity of coastal storms compounds the everyday challenges the Coast Guard faces by damaging coastal infrastructure. Hurricane Matthew devastated parts of the East Coast from October 7-9, 2016, claiming 26 lives. This storm significantly damaged many Coast Guard facilities, destroying piers, personnel housing, communications equipment, maintenance facilities, and other infrastructure, degrading the response time of Coast Guard assets at these stations and increasing workload on the crewmembers who man them. Investment in rebuilding these facilities will not only bolster the safety and security of our coasts, but enable the Coast Guard to harness advancements in construction techniques to ensure these buildings remain resilient to future storms.

For these reasons, we strongly support sufficient funding above the baseline of \$9.516 billion to allow critical infrastructure and waterfront repairs to damage sustained during Hurricane Matthew, to replenish funds already diverted from other Coast Guard infrastructure projects to complete critical Hurricane Matthew-related repairs, fund year one of the Coast Guard's multi-year acquisition of a new heavy polar icebreaker, and begin a service life extension program for the POLAR STAR.

### ***Transportation Security Administration (TSA)***

The FAA Extension, enacted last July, included bipartisan provisions to better guard against the threat of international terrorism and improve security screening efficiency for travelers. The security-related measures in the FAA Extension are the most extensive passed by Congress since the establishment of the TSA almost 16 years ago. Funding is vital to ensure the success of these provisions. Therefore, we support funding above the baseline to implement the

mandates of the FAA Extension. Any cuts in funding would be counterproductive and would negatively impact transportation security.

The FAA Extension mandates reinforced procedures to address the “insider threat” of terrorism, enhancing background and vetting requirements for airport employees and expanding the use of random and physical inspections of airport employees in secure areas. The legislation emphasizes increased use of canines and authorizes doubling the number of TSA’s Visible Intermodal Prevention and Response (VIPR) teams from 30 to as many as 60 teams. The FAA Extension also expanded grant funding to assist law enforcement in preparing for and responding to mass casualty and active shooter incidents at airports and mass transit systems, and to enhance security at the secure and non-secure areas of airports and surface transportation systems. TSA is also required to evaluate staffing, technology options, and checkpoint configurations to expedite passenger movement through security screening. This includes efforts to expand TSA PreCheck.

Further, surface transportation security programs are vital to the security of rail and transit systems, which are used by millions of people each day. The Commerce Committee has authored legislation to improve TSA’s surface transportation security programs, including authorizing increased canine teams for transportation agencies throughout the country. Any potential funding cuts to these programs could impact the security of our nation’s transportation systems. We support additional funding above the baseline to address surface transportation security.

### **Independent Agencies**

#### ***National Aeronautics and Space Administration (NASA)***

2018 is slated to be a historic year for NASA, with the first test launch of the Space Launch System (SLS) and Orion deep space exploration systems, commercial crew launches beginning to the International Space Station (ISS), the first launch of the James Webb Space Telescope, along with a number of other important missions to study the sun, the Earth, Mars, and even planets around other stars. Meanwhile, NASA continues to progress on important advancements in aeronautics like the low boom supersonic flight demonstrator and next generation space technologies like the VASIMR plasma rocket and the deep space habitats that, along with SLS and Orion, will take humans to Mars.

As we near completion of the transition from the Space Shuttle Program to the next generation deep space and commercial space flight systems, there has never been a more important time to sustain support for the agency and provide ample funding for major programs that are in their most critical phase. The Government Accountability Office has pointed out in several reports these efforts are at risk of costly delays and overruns without ample funding. Yet early indications are that the administration will recommend an FY 2018 funding level for NASA of several hundred million dollars below the FY 2016 level appropriated by Congress. One of the likely casualties of such a budget cut would be NASA’s Earth Observing program, which studies global and regional phenomena on Earth relevant to agriculture, energy, public

health and safety, and weather forecasting from the unique vantage point of space. These cuts would be even more devastating given the likely full year continuing resolution for FY 2017, which will impact a number of critical priorities at NASA. We therefore urge a funding level of \$20.5 billion for NASA for FY 2018, a modest 5 percent increase over the level authorized for the agency in FY 2017 by S.442, the NASA Transition Authorization Act of 2017, which recently passed the Senate by unanimous consent and the House by voice vote, and a 3.5 percent increase above the baseline estimates.

### ***National Science Foundation (NSF)***

The NSF is the nation's only agency dedicated to funding basic, curiosity driven research, and education in all fields of science and engineering. Through competitive research grants, STEM education programs, scholarships, seed funds for small businesses, and the operation of major research facilities, NSF makes critical contributions to the U.S. economy, public health, national security, and the understanding of our world and universe.

Funding for basic science has strong, bipartisan support, as reflected in the American Innovation and Competitiveness Act, as reported by the Commerce Committee in 2016. Unfortunately, caps on discretionary spending have depressed funding for science over the last several years, despite calls from leaders across industry to invest in this critical seed corn. The administration's proposed cuts to discretionary spending, reportedly 10 to 20 percent, would be devastating to the already stagnated budget for science. Increased funding for NSF could go toward building the STEM workforce of the future, constructing research infrastructure, and pushing forward the frontiers of U.S. science and engineering research, leading to new discoveries and innovations. All these investments would benefit science and society as a whole. We strongly support real growth for the NSF, and recommend providing at least \$8 billion for the agency in FY 2018, \$279 million above the baseline for this agency.

### ***Federal Trade Commission (FTC)***

Since FY 2010, the FTC's funding has remained stagnant, despite the vital role the agency plays in protecting consumers and competition in an ever-changing global economy marked by significant technological shifts. Increased funding will provide the FTC with the adequate full time employees and resources to help combat not only unfair and deceptive online privacy and data security practices, but also a slew of anti-competitive and anti-consumer practices, such as collusion, deception in the mobile marketplace, fraud targeting specific populations, and false advertising and marketing campaigns. As the FTC is already a small agency that is underfunded, given its large and important mandate, any budget cuts to the Commission would seriously undermine its core mission to protect consumers and competitive markets. As such, we support funding the FTC above the baseline level of \$317 million.



### ***Consumer Product Safety Commission (CPSC)***

The CPSC is a critical agency that is charged with ensuring the safety of over 15,000 different kinds of consumer products, including many used primarily or exclusively by children. In 2015, more than 192,000 importers brought into the United States products under CPSC's jurisdiction that had a value of approximately \$754 billion.

Unfortunately, four or five recalls in the United States involve these imported products. American consumers face a higher risk of injury and death, and domestic manufacturers face a competitive disadvantage, when imported consumer products do not comply with federal or consensus safety standards. CPSC's Office of Import Surveillance has investigators co-located with Customs and Border staff at some U.S. ports of entry, but urgently needs additional resources to both protect consumers from dangerous products and to ensure that American manufacturers are not harmed by foreign products that do not comply with U.S. safety standards.

CPSC also plays a vital role in identifying and addressing new and emerging product safety risks. In recent years, CPSC has conducted research into a number of potential hazards including nanotechnology, certain crumb rubber surfaces, and defective lithium-ion batteries. These activities are extremely important for the protection of public health and safety, and, therefore, we support funding the CPSC above the current baseline level of \$129 million.

The administration's proposed cuts to discretionary spending would have a devastating impact on CPSC's ability to protect public health and safety. A proposed cut of 15 to 20 percent to CPSC's budget, for instance, would result in the termination of several programs that identify hazardous products and result in a reduced CPSC presence at U.S. ports of entry. Not only would this have a serious impact on the lives of Americans – especially children – it would also encourage foreign manufacturers to evade U.S. safety standards and further undercut American manufacturing.

### ***Corporation for Public Broadcasting (CPB)***

The CPB is a private, non-profit, non-governmental organization charged with supporting the development of, and ensuring nationwide access to, quality educational and cultural programming. Congress annually appropriates funding to CPB in recognition of the vital public service provided by local public broadcast stations to communities across the country. However, reports suggest that the administration is considering eliminating all federal support for the CPB. Public television and radio are essential parts of the media landscape of the United States and provide news, arts, entertainment, and kids programming unlike anything on commercial television. Removing federal support for CPB would threaten the viability of this service, which is available free over-the-air to 95 percent of Americans. For the purposes of planning and providing local stations with operational certainty, the CPB receives a two-year advanced appropriation each year. We support maintaining full baseline funding for CPB for the 2020 fiscal year.

We also support continued congressional appropriations to support development of a new public television interconnection system. As Congress recognized when it created CPB, a modern television interconnection system for CPB is essential to CPB's mission to create and disseminate quality television programming. And Congress has supported CPB's interconnection system through separate appropriations since the 1980s – including in the last two fiscal years as CPB began to procure a replacement for its current system that is nearing its end. Providing continued support for that replacement system in FY 2018 is essential.

Finally, the Ready to Learn program is a competitive grant program that supports the production of academically rigorous PBS KIDS programming, while also providing resources to local educators make the most of those resources – in schools, preschools, libraries, and Head Start programs. Ready to Learn has proven particularly helpful in many low-income communities because of its innovative learning tools. We support full funding for Ready to Learn in FY 2018.

#### ***Federal Communications Commission (FCC)***

The FCC already is at its lowest employment levels in decades. Further budget reductions could result in additional staffing cuts, and would harm the agency's ability to effectively regulate the nation's communications networks, protect consumers, further the universal availability of communications services, and protect public safety.

#### ***Office of Science and Technology Policy (OSTP)***

The OSTP provides advice to the president and executive branch on science and technology policy, programs, and priorities. Dozens of federal departments and agencies across the government conduct scientific research, and OSTP plays an important role in coordinating agency research and in identifying and implementing national research objectives that span multiple agencies. The administration's proposed cuts to discretionary spending could actually result in an increase in duplication and inefficiency without a national office overseeing science.

In recent years, the Commerce Committee has tasked OSTP with a number of important tasks, such as improving diversity in the federal STEM workforce (P.L. 114-389) and identifying appropriate supervision authorities for commercial space activities (P.L. 114-119). Given the ongoing importance of science and technology to national defense, public health, economic growth, and U.S. leadership in science, we recommend providing OSTP with \$6 million in FY 2018, in line with the CBO baseline for this office.

Thank you for this opportunity to provide our views and recommendations regarding the FY 2018 budget resolution process.

Sincerely,



BILL NELSON  
Ranking Member



MARIA CANTWELL  
Ranking Member, Subcommittee on  
Aviation Operations, Safety, and  
Security



AMY KLOBUCHAR  
Member



RICHARD BLUMENTHAL  
Ranking Member, Subcommittee on  
Consumer Protection, Product  
Safety, Insurance, and Data Security



BRIAN SCHATZ  
Ranking Member, Subcommittee  
on Communications, Technology,  
Innovation, and the Internet



EDWARD J. MARKEY  
Ranking Member, Subcommittee on  
Space, Science, and Competitiveness



CORY A. BOOKER  
Ranking Member, Subcommittee  
on Surface Transportation and Merchant  
Marine Infrastructure, Safety, and  
Security




TOM UDALL  
Member

The Honorable Mike Enzi and The Honorable Bernie Sanders

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TAMMY DUCKWORTH  
Member

cc: The Honorable John Thune, Chairman