



June 27, 2022

The Honorable Rosa DeLauro
Chair
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chair DeLauro and Ranking Member Granger:

As the Committee prepares to mark up the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill, the U.S. Chamber of Commerce urges you to fully fund the Manufacturing Extension Partnership program, the Census Bureau and Bureau of Economic Analysis, and federal agencies that assist in trade negotiations. The Chamber remains concerned that the ongoing threat of cyberattacks must be met with increased resources, vigilance, and enforcement.

Specifically, the Chamber supports full funding included in this legislation for the following agencies, offices, and programs.

The Hollings Manufacturing Extension Partnership (MEP) Program: The MEP program helps manufacturers become more competitive by improving their productivity, leveraging private sector investments, and assisting the U.S. industrial base in maintaining its status as an innovative high-tech global competitor. The Chamber appreciates the Committee increasing investment in the program by providing \$275 million for qualified MEP centers.

Census Bureau: Providing at least \$1.5 billion for the Census Bureau to ensure that 2020 decennial census products are made available and American Community Survey (ACS) programs can move forward. The 2020 decennial census was successful because of the uninterrupted funding and commitment from government leaders in the face of the pandemic. Unreliable census data would have harmful effects on businesses and the American economy. Businesses planning to grow and expand into new markets would be faced with making decisions on where to invest based on poor data.

Bureau of Economic Analysis (BEA): Increased funding of at least \$141 million as provided in this bill would enable the BEA to continue its critical work to improve the quality and depth of important economic data, improve the accuracy of GDP (Gross Domestic Product) estimates, speed up the release of regional statistics, and provide business investment data on an annual basis.

Office of the United States Trade Representative (USTR): The Chamber supports at least \$61.5 million for USTR. This office is charged with negotiating new trade agreements to open international markets to exports of U.S. goods and services, protect U.S. investments abroad, and ensure effective enforcement of U.S. trade agreements. Exports have been a major source of economic growth and job creation over the past 25 years, and a fully funded USTR that is

empowered to secure additional market-opening trade agreements will benefit U.S. workers, farmers, and businesses.

International Trade Administration (ITA): The Chamber supports including \$541 million for the U.S. Department of Commerce's International Trade Administration, which also provides essential technical and regional expertise relating to trade negotiations and enforcement.

FBI (Federal Bureau of Investigation) Cyber Assistant Legal Attachés: The Department of Justice and the Federal Bureau of Investigation (FBI) are on the front lines in the fight against ransomware, cybercrime, terrorism, and espionage. The Chamber supports increased appropriations for the FBI Cyber Assistant Legal Attachés stationed internationally from the current level of 10 to a number appropriate to meet current demand. Increased federal law enforcement cooperation and coordination with international partners on information sharing, cyber investigations, and cyber operations is vital. Congress and the executive branch should enhance international efforts to combat cybercrime, including training cleared foreign law enforcement officers at U.S. federal computer and forensics institutes.

Department of Justice (DOJ) International Law Enforcement Tools: The Chamber supports funding for DOJ's international law enforcement tools, including the Mutual Legal Assistance Treaty (MLAT) and Mutual Legal Assistance Agreement (MLAA) process, and the Clarifying Lawful Overseas Use of Data Act (CLOUD Act) bilateral agreements. These tools are essential to enhancing international law enforcement cooperation and preserving the movement of data across borders.

Department of Justice Intellectual Property Theft Enforcement Program: The Chamber supports at least \$2.5 million for intellectual property enforcement, including prosecution, prevention, training, and technical assistance as authorized by section 401 of Public Law 110-403. The Intellectual Property Theft Enforcement Program (IPEP) is designed to build the capacity of state, local, tribal, and territorial criminal justice systems to address IP enforcement through increased prosecution, prevention, training, and technical assistance. This includes initiatives to combat counterfeit crimes.

National Institute of Standards and Technology (NIST): The Chamber supports increasing funding for NIST to \$975 million and providing full funding to implement the National Artificial Intelligence Initiative Act of 2020. The Chamber is concerned by any potential reduction in NIST funding for the industry-government efforts on cybersecurity and other emerging technologies. This includes artificial intelligence (AI), the Cybersecurity Framework, Internet of Things (IoT) security, Face Recognition Vendor Test (FRVT), and the *"U.S. Leadership in AI: A Plan for Federal Engagement in Developing Technical Standards and Related Tools."* The Department of Commerce, especially NIST, has done an admirable job convening many organizations to work on key cyber and emerging technology issues. The Chamber appreciates that NIST has been actively meeting with foreign parties, such as the European Union, to press them to embrace an IoT security capabilities baseline.

Standards and best practices relevant to cybersecurity and emerging technologies are typically led by the private sector and adopted on a voluntary basis; they are optimal when developed and recognized globally. Such approaches avoid burdening IoT cyber and emerging

technology stakeholders with requirements coming from multiple, and often conflicting, jurisdictions. The Chamber urges the administration to work with international partners and believes that these discussions should be multi stakeholder driven and occur routinely. We also want to ensure that NIST facilities are at the appropriate caliber to continue world-class research and partner with industry. In addition, the Chamber recommends that Congress encourage the administration and NIST to develop an AI risk management framework in collaboration with relevant stakeholders to advance U.S. leadership in trustworthy AI.

NIST Cybersecurity and Privacy Program: The Chamber strongly supports increasing funding for this program to at least \$100 million. Lawmakers should understand that the resources NIST needs to undertake industry-government efforts on cybersecurity come from the Cybersecurity and Privacy Program. Initiatives such as the Cybersecurity Framework have been a remarkable success. Cyber stakeholders may not agree with the administration and NIST on every information security standard, guideline, or practice that they develop. Yet, pound for pound and dollar for dollar, few government entities have done as much as NIST to help businesses strengthen their cybersecurity in collaborative ways.

Finally, the Chamber supports prohibiting the Department of Justice from entering civil settlements that require donations to organizations that are not parties to the litigation. This practice raises serious separation of powers concerns and undermines Congress's exclusive appropriations authority. Congress alone has the power of the purse, and agencies should not be allowed to circumvent the appropriations process to fund special interest groups.

We strongly support American manufacturing and must create an environment that enables innovation and growth. We believe that a commitment to funding the statistical agencies will yield a better measure of our changing economy and the challenges that lie ahead. The Chamber appreciates your consideration of these recommendations as you prepare to mark up the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the House Committee on Appropriations