

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

February 6, 2019

The Honorable Walter G. Copan
Under Secretary of Commerce for Standards and Technology
Director, National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Dear Dr. Copan:

The Committee on Science, Space & Technology is conducting oversight of the operations of the National Institute of Standards and Technology (NIST) during the government shutdown that began on December 22, 2018 and concluded on January 25, 2019. It is clear from multiple media reports that the 5-week partial government shutdown had a significant impact on federal science agencies, their contractors, grant recipients, and others who depend on federal funds to engage in research, development and related activities. Last year the federal budget for these activities was more than \$175 billion.¹

Because of the shutdown, countless research projects and data collection efforts ground to a halt; many PhD students will be significantly delayed in their progress to graduation or will have to forgo important research opportunities at NIST labs; industry lost access to user facilities that are essential to accelerating innovation and the competitiveness of U.S. companies; and NIST's cybersecurity work and standards development was delayed, potentially compromising national security.² Federal scientists were also forced to cancel long-planned research trips and attendance at scientific meetings, and academic scientists were not able to communicate with their federal collaborators on projects or scientific papers, including at NIST's multiple centers of excellence.³

¹ FY 2018 R&D Appropriations Dashboard, American Association for the Advancement of Science (AAAS), accessed here: <https://www.aaas.org/programs/r-d-budget-and-policy/fy-2018-rd-appropriations-dashboard>

² See: Lauren Morello, "US science agencies hit by government shutdown," *Nature*, December 22, 2018, accessed here: <https://www.nature.com/articles/d41586-018-07836-6> and Josephine Wolf, "The Shutdown is Hurting Cybersecurity," *Slate Magazine*, <https://slate.com/technology/2019/01/government-shutdown-cybersecurity-dhs-nist.html>

³ See: Gisele Grayson, Joe Palca and Geoff Brumfiel, "With Key Government Agencies Shut Down, Science Sputters," *National Public Radio (NPR)*, January 10, 2019, accessed here: <https://www.npr.org/2019/01/10/683716451/with-key-government-agencies-shut-down-science-sputters> and Carolyn Wilke, "Government Shutdown Hits Funding, Resources, and Morale in Science," *The Scientist*, January

The federal scientific grant process and the work of federal scientists helps to empower American innovation and energize our economy. NIST, in particular, plays an outsized role in boosting the competitiveness of U.S. companies across all sectors of our economy. Since many of these activities were halted for more than a month, this will undoubtedly delay scientific research, innovation, and the examination of issues critical to the health, safety, and security of all Americans across the nation and our competitive advantage around the world.⁴ What worries me most is that it may take us months or even years to fully comprehend the long-term damage caused by these disruptions and delays to our pipeline of human talent, our scientific standing in the world, and the benefits that our federal investments in science, technology, and standards generate for our the nation and the world.

In addition, the shutdown had a negative and consequential impact on the livelihoods, families and health of federal workers.⁵ It is unclear how individual agencies determined which staff were deemed “essential” and which staff were not.⁶ Tens of thousands of workers who were not deemed “essential” at the beginning of the shutdown were later called back to work without pay.⁷ Furthermore, some federal contractors may not receive back pay, and others paid their workers out of their own pockets without any assurance they will be paid back by the federal government.⁸

In order to assist the Science, Space, and Technology Committee in its oversight, please provide copies of the records requested below and answers to the following questions:

- Please indicate the total number of federal employees in your agency and how many were furloughed as a result of the government shutdown.
 - How many contractors are employed by your agency, and how many were furloughed as a result of the government shutdown?
 - Please provide all agency records, including memoranda, guidance documents, legal opinions, summaries, or other documents provided to federal contractors

11, 2019, accessed here: <https://www.the-scientist.com/news-opinion/government-shutdown-hits-funding--resources--and-morale-in-science--65314>

⁴ Lauren Morello, “US science agencies hit by government shutdown,” *Nature*, December 22, 2018, accessed here: <https://www.nature.com/articles/d41586-018-07836-6>

⁵ Michael Burke, “Federal worker with diabetes says she can’t afford to pay for insulin during shutdown,” *The Hill*, January 13, 2019, accessed here: <https://thehill.com/blogs/blog-briefing-room/news/425113-federal-worker-with-diabetes-says-she-cant-afford-to-pay-for>

⁶ Kimberly Adams, “Definition of an essential worker does a shutdown shift,” *Marketplace*, American Public Media, January 17, 2019, accessed here: <https://www.marketplace.org/2019/01/17/economy/definition-essential-worker-does-shutdown-shift>

⁷ Erica Werner, “Trump administration calling nearly 50,000 back to work, unpaid, as shutdown drags on,” *The Washington Post*, January 15, 2019, accessed here: https://www.washingtonpost.com/business/economy/rank-and-file-democrats-reject-trumps-invitation-to-shutdown-talks-backing-leaders-in-united-opposition-to-border-wall/2019/01/15/2539482e-18d2-11e9-9ebf-c5fed1b7a081_story.html?utm_term=.59db4d3835ca

⁸ See: Jennifer Crompton, “Federal contractor pays workers despite shutdown,” *WMUR/Channel 9*, Manchester, New Hampshire, January 23, 2019, accessed here: <https://www.wmur.com/article/federal-contractor-pays-workers-despite-shutdown/26016877> and Sarah Ruiz-Grossman, “Shutdown Leaves Government Contractors Without Work And Likely No Back Pay,” (*updated*) January 2, 2019, accessed here: www.huffingtonpost.com/entry/government-contractors-shutdown-wages-lost_us_5c255621e4b08aaf7a8ed79a

about continuing their work for the agency during the shutdown, including all records provided to federal contractors regarding agency guidance on using their own funds during the government shutdown.

- How many of your agency’s employees were deemed “essential?”
 - Indicate how many of your staff, if any, not deemed “essential” were brought back to work without pay during the government shutdown.
 - Please provide all records, including memoranda, guidance documents, legal opinions, summaries, or other documents that indicate how your agency has defined an “essential” employee. This should include any specific tasks or functions that your Agency has deemed “essential.”
- Please provide copies of all records, including memoranda, summaries, after action reports or other documents that indicate the potential or actual impact, delay or damage to research and standards efforts within your agency that were adversely affected by the government shutdown.
- Government shutdowns incur costs greater than those of an open, fully functioning federal government.⁹ Please provide all agency assessments, impact analyses, memoranda, or other records that address both the potential, actual or anticipated cost and consequences from the government shutdown on your agency.
- Please provide an itemized list of travel plans by agency employees and contractors that were postponed, rescheduled or cancelled as a result of the government shutdown.

Under the “special oversight” clause of Rule X of the U.S. House of Representatives, the “Committee on Science, Space, and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.”¹⁰

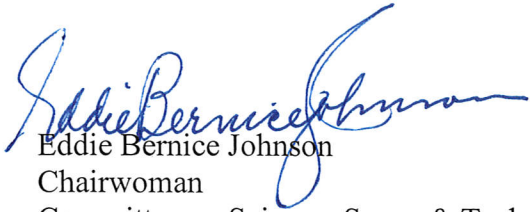
Please produce two sets of the requested records in a searchable electronic format. One set should be delivered to the Majority Staff of the Science, Space, and Technology Committee in Room 2321 of the Rayburn House Office Building and one set should be delivered to the Minority Staff in Room 394 of the Ford House Office Building. Please ensure these documents are produced and delivered by Thursday, February 14, 2019.

If you have any questions regarding this request, please have your staff contact Dahlia Sokolov on the Majority Staff of the Science, Space, and Technology Committee at (202) 225-6375.

⁹ Jim Tankersley, “A Shut Down Government Actually Costs More Than an Open One,” *New York Times*, January 9, 2019, accessed here: <https://www.nytimes.com/2019/01/09/us/politics/shutdown-government-costs.html>

¹⁰ Rule X, Organization of Committees, U.S. House of Representatives, accessed here: <https://www.govinfo.gov/content/pkg/HMAN-115/xml/HMAN-115-pg441.xml>

Sincerely,

A handwritten signature in blue ink, reading "Eddie Bernice Johnson". The signature is fluid and cursive, with a large initial "E".

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space & Technology

cc: Rep. Frank Lucas, Ranking Member, Committee on Science, Space & Technology