



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

THE DIRECTOR

May 19, 2015

The Honorable Hal Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Rogers:

On May 14, 2015, the Commerce, Justice, and Science Subcommittee considered the fiscal year (FY) 2016 Commerce, Justice, Science, and Related Agencies Appropriations bill. The Administration supports investments in research, development, and innovation that are critical to the Nation's economic growth, security, and competitiveness in the global marketplace, as well as investments in law enforcement and access to justice that help ensure the safety and well-being of individuals and communities. However, we have a number of serious concerns about this legislation, which would underfund these important investments and includes highly problematic ideological riders. In advance of Full Committee consideration of the Subcommittee bill, I would like to take this opportunity to share some of these concerns with you.

The Commerce, Justice, Science, and Related Agencies Appropriations bill is being considered under the congressional Republicans' 2016 budget framework, which would lock in sequestration funding levels for FY 2016. Sequestration was never intended to take effect: rather, it was supposed to threaten such drastic cuts to both defense and non-defense funding that policymakers would be motivated to come to the table and reduce the deficit through smart, balanced reforms. The Republicans' 2016 budget framework would bring base discretionary funding for both non-defense and defense to the lowest levels in a decade, adjusted for inflation. Compared to the President's Budget, the cuts would result in tens of thousands of the Nation's most vulnerable children losing access to Head Start, more than two million fewer workers receiving job training and employment services, and thousands fewer scientific and medical research awards and grants, along with other impacts that would hurt the economy, the middle class, and Americans working hard to reach the middle class.

Sequestration funding levels would also put our national security at unnecessary risk, not only through pressures on defense spending, but also through pressures on State, USAID, Homeland Security, and other non-defense programs that help keep us safe. More broadly, the strength of our economy and the security of our Nation are linked. That is why the President has been clear that he is not willing to lock in sequestration going forward, nor will he accept fixes to defense without also fixing non-defense. The President's Budget would reverse sequestration and replace the savings with commonsense spending and tax reforms. It brings middle-class economics into the 21st Century and makes the critical investments needed to support our national security and accelerate and sustain economic growth in the long run, including research, education, training, and infrastructure.

The inadequate overall funding levels in the Republicans' 2016 budget framework, together with misplaced priorities, cause a number of problems with the Subcommittee bill specifically.

Overall, according to the Subcommittee, this bill reduces funding by about \$661 million, or about 1.3 percent, below the President's Budget, with far deeper cuts for a number of key priorities. Its shortsighted funding cuts undermine both fiscal responsibility and economic competitiveness, since they would prevent investments that both reduce future costs to taxpayers and inform business decision making, improve weather forecasting, support business expansion into new markets, and spur development of innovative technologies. The bill also shortchanges other key priorities, including basic research, public safety, and legal services and civil rights enforcement. Problems with the Subcommittee bill include:

Shortsighted cuts that will increase out-year costs and compromise the quality of key data that both the public and private sectors rely on:

- The bill cuts the Census Bureau's Periodic Censuses and Programs account by \$374 million, or almost one third, compared with the President's request, with serious consequences for the 2020 Decennial Census. Not only will the 2020 Census determine the allocation of congressional representation and establish official local and State geographic and legislative boundaries, it also serves as a fundamental building block of datasets businesses use to make location, manufacturing, workforce, and production decisions. The reductions in the bill would curtail critical testing, scale-up, and implementation of efforts to improve the efficiency and cost-effectiveness of the 2020 Census, increasing future Census costs by up to \$5 billion. The Subcommittee bill could also force Census to make drastic cuts to other bedrock sources of economic and social indicators, such as the American Community Survey or the 2017 Economic Census.
- The bill fails to fund the National Oceanic and Atmospheric Administration's (NOAA) next generation of polar-orbiting weather satellites, which provide critical data to maintain the quality of mid-range weather forecasts. The accuracy of weather forecasts for North American beyond 48 hours are critically dependent on these polar-orbiting satellites. In addition to informing the day-to-day operations of businesses and individuals, weather data from NOAA satellites help predict the potential impact of extreme weather events, which lets communities and emergency responders prepare. Independent groups and the Government Accountability Office Government-wide High Risk List have highlighted the risk of a gap in weather satellite coverage. Not only would the bill heighten that risk, but its shortsighted cuts mean that the next generation of polar-orbiting weather satellites will ultimately cost taxpayers more.

Research and development cuts that will slow the pace of discovery and innovation and reduce future economic competitiveness:

- The bill reduces funding for manufacturing programs at the National Institute of Standards and Technology by \$176 million, or 58 percent, compared with the President's Budget, undercutting efforts to strengthen resurgent U.S. manufacturing. Despite broad bipartisan support for the Revitalize American Manufacturing and Innovation Act and the National Network for Manufacturing Innovation it authorizes, the bill provides none of the requested funds to establish two manufacturing institutes that would support industry-proposed manufacturing technology development and help bridge the gap between basic research and product development.

- The bill cuts support for NASA's Commercial Crew Program by \$243 million, or 20 percent, relative to the President's Budget. The Commercial Crew Program will build a safe and cost-effective U.S. capability to launch astronauts to the space station. The Subcommittee bill cuts will delay the program and force continued reliance on and payment for Russian capabilities for transporting U.S. astronauts.
- While directing an impractical level of funding toward the Jupiter Europa mission, the bill cuts important NASA Science programs by more than \$200 million compared to the President's Budget, jeopardizing Earth Science missions that are helping us understand how our climate is changing and respond to earthquakes, droughts, and severe weather events. The bill also reduces investments in Space Technology by \$100 million, or 14 percent, delaying development of a cutting-edge laser communication system and other space technology demonstrations, slowing progress on the journey to Mars, and impacting the international competitiveness of the U.S. commercial space industry.
- The bill underfunds the National Science Foundation, providing \$329 million, or 4 percent, less than the President's Budget for an agency that carries a major share of the Federal Government's responsibility to support basic research in science and engineering—research that produces the seed corn on which future innovation depends but by its nature is too uncertain in ultimate application to attract private-sector funding. Compared to the President's Budget, the bill would lead to about 600 fewer research grants, affecting about 7,900 researchers, technicians, and students.

Cuts to criminal justice priorities and investments in community policing that are essential to the stability of our communities and the integrity of our criminal justice system:

- The Administration appreciates the Subcommittee's support for Federal law enforcement agencies and gun safety, including funding many of the elements of the President's Community Policing Initiative. As the Nation has observed in Baltimore and other communities, trust between law enforcement agencies and the people they protect and serve is essential. However, compared to the President's Budget, the Subcommittee bill fails to adequately fund all of the elements necessary to fully support law enforcement and improve relations between communities and police. For instance, the Subcommittee bill provides \$50 million for body-worn camera pilots and research, justice reform and collaboration efforts, and improved statistics collection, about half the President's request to ensure the safe and effective delivery of policing services.
- Meanwhile, the bill cuts \$503 million below the President's Budget for other criminal justice assistance, including by eliminating the COPS hiring program. This cut would result in an estimated 1,300 fewer sworn and non-sworn law enforcement positions safeguarding communities. In addition, the funding level proposed by the Subcommittee would significantly reduce support for juvenile justice programs. These programs help reduce juvenile delinquency and crime; protect public safety; hold offenders accountable; assist missing and exploited children and their families; and provide treatment and rehabilitative services tailored to the needs of juveniles and their families.

Deep cuts to legal services and civil rights protection:

- The bill imposes deep cuts on the Legal Services Corporation (LSC), denying legal assistance to more than 350,000 low-income Americans—including military families and

veterans—and undercutting the fundamental American commitment to equal justice for all. By cutting LSC's funding to the lowest level in 15 years, the bill would cause layoffs of more than 1,000 staff, including more than 430 attorneys at local programs, and the closure of 85 legal aid offices nationwide.

- This bill also fails to adequately address civil rights protection, which is more important than ever in promoting police reform and community and neighborhood security. The Civil Rights Division plays a critical role in addressing unconstitutional policing practices throughout the Nation, helping to restore community faith in law enforcement. By underfunding the Division, the bill will undermine its ability to address problems in specific jurisdictions and develop best practices for encouraging effective and accountable policing in every jurisdiction, as well as the critical role it plays in protecting the rights of all Americans.

Unfortunately, under sequestration levels, even the inadequate funding levels provided by the Subcommittee bill would require larger cuts in other appropriations bills. Taking into account this Subcommittee bill and the four other bills that have been marked up so far, the Republican budget framework would require cuts of roughly nine percent compared to the President's Budget for the rest of the non-defense discretionary accounts.

The Subcommittee bill also includes highly problematic ideological riders. Specifically, the Administration strongly objects to the restrictions regarding detainees that effectively prevent their relocation and the closure of the Guantanamo facility. The Administration also strongly objects to numerous provisions that would severely inhibit efforts to combat illegal gun trafficking. These include restrictions preventing the Bureau of Alcohol, Tobacco, Firearms and Explosives from curtailing the importation of "curio or relic" firearms or ammunition and denying applications to import shotguns that do not meet the statutory "sporting purposes" test, and prohibiting the use of funds to enforce reporting requirements on the multiple sale of long guns. The Administration believes that the Congress should consider appropriations bills free of unrelated ideological provisions. The inclusion of these provisions threatens to undermine an orderly appropriations process.

As your Committee takes up the Commerce, Justice, Science, and Related Agencies Subcommittee bill, we look forward to working with you to address these concerns. More broadly, we look forward to working with the Congress to reverse sequestration for defense and non-defense priorities, and offset the cost with commonsense spending and tax expenditure cuts, as Members of Congress from both parties have urged.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shaun Donovan", with a long horizontal flourish extending to the right.

Shaun Donovan
Director

Identical Letter Sent to The Honorable Nita Lowey