



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

June 16, 2009  
(House)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 2847 — Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

(Rep. Obey, D-Wisconsin)

The Administration strongly supports passage of H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science and Related Agencies for the fiscal year ending September 30, 2010.

As we face difficult economic and fiscal decisions, it is important to make efficient and effective investments. The bill as considered by the Committee makes important investments in innovation and job creation, community safety, and cutting-edge technologies. This legislation serves as an important piece of the Nation's economic recovery and is consistent with the President's commitment to double the funding for basic research over ten years.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

#### Administration Priorities

*National Aeronautics and Space Administration (NASA).* The Administration is concerned with the reduction of \$670 million from the President's FY 2010 request for Exploration Systems. This large reduction would likely cause major negative impacts to any options that may emerge from the ongoing blue ribbon review of U.S. human space flight plans. The Administration appreciates the Committee's strong support for the NASA Earth science program, which advances the President's goal of deploying a global climate change research and monitoring system. The Administration is concerned with the elimination of \$21 million from the request for NASA innovation, which uses public-private partnerships to advance important technologies and enable access to new sources of innovation through incentive prizes and partnerships. In addition, the Administration is concerned about funding NASA's R&D activities with primarily one-year rather than two-year appropriations. Such an action would increase the cost and complexity of budget execution and would diminish flexibility without improving management.

*National Science Foundation (NSF).* The Administration appreciates the Committee's support for the President's goal of doubling the NSF budget as a key component of his Plan for Science Innovation. However, the Committee's version of the bill is \$108 million below the level requested in the Budget, and this reduction will come at the expense of NSF's research activities and agency operations.

#### Department of Commerce

The Administration appreciates the support the Committee provides for the 2010 Census, but

urges the Congress to provide the full request of \$7.4 billion in new budget authority for the Census Bureau. The current bill effectively reduces the President's request by \$206 million by relying upon unobligated balances from the American Recovery and Reinvestment Act. This would force the Census Bureau to reduce its contingency reserve, a key risk mitigation measure, by nearly one third.

The Administration appreciates the Committee's full funding for the Manufacturing Extension Partnership Program and the Technology Innovation Program but urges the Congress to provide full funding of the highest-priority research of the National Institute of Standards and Technology (NIST) as part of the President's Plan for Science and Innovation. The bill underfunds requested NIST research and construction activities by \$85 million (13 percent); the bill includes \$20 million of unrequested funding for construction grants that could be better spent on highest-priority research.

The Administration appreciates the Committee's support of the Economic Development Administration, but urges the Congress to support the Administration's request within this funding to target \$50 million to create a Business Incubator Network and \$50 million to develop regional innovation clusters. Both of these initiatives can help our Nation develop dynamic businesses and assist communities to respond effectively to challenging economic conditions.

The Congress is urged to provide full funding for the Department of Commerce's share of costs associated with the renovation of the Herbert C. Hoover Building. The House bill provides only \$5 million out of the requested \$22.5 million. While most of the renovation costs will be covered by the General Services Administration through Recovery Act funding, the Department is responsible for key aspects of the project's costs.

The Administration appreciates the Committee's strong support of the important activities of the National Oceanic and Atmospheric Administration (NOAA), including providing full funding for NOAA satellites. However, within this funding the Administration urges the Congress to provide the additional \$13 million requested to support accelerated improvement of hurricane track and intensity forecasts, which will help to prevent unnecessary and costly evacuations.

#### Department of Justice

The Administration appreciates the Committee's support for the law enforcement, prosecutorial, incarceration and other requirements of the Department of Justice. However, the Administration is concerned with the prescriptive nature of the additional \$25 million provided for the FBI to establish new task forces to combat violent crime. The Attorney General, as the chief law enforcement officer, should maintain the flexibility to address violent crime, including gang crime, in a manner that best utilizes Federal resources and leverages the unique role of the Federal Government.

#### Legal Services Corporation (LSC)

The Administration appreciates the Committee's support for the funding request for LSC and for the elimination of the restriction on the collection of attorney's fees. However, the Administration is concerned that all citizens have access to legal representation and urges the Congress to also remove the riders which restrict the use of non-LSC funds by LSC grant recipients and which prevent LSC lawyers from participating in class action law suits that

typically seek injunctive relief for the benefit of all members of a class by stopping illegal activity. In contrast to private lawyers who bring class action lawsuits, legal aid lawyers do not receive payment from clients and therefore do not stand to benefit from large monetary settlements.

### Constitutional and Other Concerns

The Administration is concerned about provisions in the bill that could constrain the ability of the President to conduct foreign affairs. In addition, the Administration is concerned about restrictions on reprogramming of funds. The Administration looks forward to working with Congress to address these concerns.

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