



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

May 28, 2014
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4660 — Commerce, Justice, Science, and Related Agencies

Appropriations Act, 2015

(Rep. Rogers, R-KY)

This Statement of Administration Policy provides views on H.R. 4660, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes. While the Administration appreciates the support for research and development in the bill, H.R. 4660 inadequately funds areas critical to the Nation's economic growth, security, and competitiveness in the global marketplace, including investments in climate research, assistance to small manufacturers, and support for commercial space flight, census research, and access to justice. The bill also includes a number of objectionable language provisions that will make it more difficult to protect the public from gun violence and continues unwarranted restrictions regarding detainees held at Guantánamo Bay, Cuba that will undermine our national security.

The Administration looks forward to working with the Congress on an orderly appropriations process that supports economic growth, opportunity, and our national security while avoiding unnecessary fiscal crises that hold the Nation's economy back. This process should include reconciling funding levels for individual appropriations bills to promote economic growth and national security, and passing bills without ideological provisions that could undermine an orderly appropriations process.

The President's fiscal year (FY) 2015 Budget provides a roadmap for making investments to accelerate economic growth, expand opportunity for all hard-working Americans, and ensure our national security, while continuing to improve the Nation's long-term fiscal outlook. At the same time, the Budget takes key steps to both continue and enhance the Administration's efforts to deliver a government that is more effective, efficient, and supportive of economic growth.

The President's Budget adheres to the FY 2015 spending levels agreed to in the Bipartisan Budget Act (BBA) and shows the choices the President would make at those levels—including investments in research and development that will grow the economy and enable America to remain the world leader in innovation. However, the levels agreed to in the BBA are already below FY 2007 funding levels adjusted for inflation and are not sufficient—either in FY 2015 or beyond—to ensure the Nation is achieving its full potential. For that reason, the Budget also includes a fully paid for Opportunity, Growth, and Security Initiative—evenly split between defense and non-defense priorities—that presents additional investments to grow the economy, expand opportunity, and enhance security. The Opportunity, Growth, and Security Initiative would support additional research and development at the National Science Foundation, National Institutes of Standards and Technology, National Aeronautics and Space Administration, and other agencies across the government that would create the businesses and jobs of the future.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill and urges the Congress to resolve these issues during the FY 2015 appropriations process.

Department of Commerce

National Oceanic and Atmospheric Administration (NOAA). The Administration appreciates the Committee's support for the National Weather Service and critical weather satellites. However, the Administration strongly opposes the significant reductions below FY 2014 funding levels for high priority climate research, as well as the elimination of funding for the Total Solar Irradiance Sensor that is necessary to maintain a long-term climate data record. NOAA's climate research will help the Nation better understand, monitor, and prepare for the impacts of climate change. In addition, the Administration opposes the reduction to NOAA's fisheries management and coastal restoration programs, including regional coastal resilience grants. These programs contribute to the long-term economic and ecosystem health of the fishing industry and coastal communities throughout the United States.

International Trade Administration (ITA). The Administration urges the Congress to provide the requested funding level of \$497 million for ITA, which would fully fund SelectUSA and the Interagency Trade Enforcement Center. Reduced funding levels for these two priorities would undermine efforts to increase foreign investment in the United States, create jobs, and ensure a level playing field for U.S. businesses overseas.

Periodic Censuses and Programs. The Administration objects to the inadequate funding provided to the Census Bureau to produce robust economic and demographic data, or sufficiently prepare for the 2020 Decennial Census. The Committee's proposed funding level would increase costs by billions of dollars over the next five years by preventing the Census Bureau from conducting the necessary research, testing, and early implementation activities that are needed to contain costs in conducting the 2020 Census.

Current Population Survey (CPS) Data Collection. The Administration strongly objects to language in the bill included in the Bureau of the Census, salaries and expenses account requiring that the data collection for CPS use outdated health insurance questions included in previous years. The revised questions will allow the Census Bureau to better measure the uninsured, while reverting back to the previous questions will create a gap in the data and severely limit its statistical value.

National Telecommunications and Information Administration (NTIA). The Administration opposes the funding reduction from the FY 2014 enacted level and the FY 2015 Budget request for NTIA. This reduction would prevent NTIA from standing-up the Internet Policy Center to bolster the Administration's Internet governance and policy efforts.

National Institutes of Standards and Technology (NIST). The Administration is concerned that the bill does not provide the requested increases to the Manufacturing Extension Partnership program to support small manufacturing businesses, or those that will enhance benefits from the *Manufacturing Institutes Initiative*. These initiatives will help advance the development and adoption of new manufacturing technologies.

Department of Justice (DOJ)

State and Local Assistance Programs. The Administration appreciates the Committee's support for the Justice Reinvestment Initiative and the Now is the Time Comprehensive School Safety Program. However, the Administration strongly objects to the Committee's decision to reduce funding from the requested levels for juvenile justice and delinquency prevention programs and for Community Oriented Policing Services (COPS). The reductions in COPS funding alone would result in almost 1,000 fewer officer hires.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Gun Riders. The Administration strongly opposes language in the bill that severely inhibits ATF's ability to combat illegal gun trafficking and protect the public. This includes the requirement that ATF authorize the importation of certain "curio and relic" firearms simply because of their age and regardless of the danger they may pose; the prohibition against ATF's current practice of collecting information on the sale of multiple long guns in the Southwest Border region; and the prohibition against ATF denying an application to import particular models or configurations of a shotgun that do not meet the statutory "sporting purposes" test. In addition, the Administration urges the Congress to repeal a number of provisions made permanent in prior years, including a prohibition against requiring firearms dealers to conduct physical inventories and a prohibition on changing the definition of "curio and relic" firearms.

Working Capital Fund and Assets Forfeiture Fund Restrictions. The Administration strongly opposes the limitations included in the bill for the Working Capital Fund and Assets Forfeiture Fund that would severely restrict DOJ's ability to fund essential requirements of its financial management system consolidation efforts, to pay for other vital unfunded capital equipment needs, and to cover the costs of unanticipated expenses. The Department must regain its ability to use the Working Capital Fund and Assets Forfeiture Fund spending authorities in order to minimize the financial impact to programs critical to public safety and national security while improving financial reporting, accountability, and law enforcement capabilities.

Mutual Legal Assistance Treaty (MLAT). The Administration appreciates the Committee's support for MLAT process reform, which is critical to investigating crimes, working with foreign partners, and prosecuting terrorists and other criminals. This funding will provide for an updated, improved, and accelerated process to handle foreign governments' requests for evidence as well as enhance mutual relationships.

Guantánamo Detainee Restrictions. The Administration strongly objects to sections 528 and 529, which would prohibit the use of funds for the transfer of detainees to the United States and for the construction, acquisition, or modification of any facility to house Guantánamo detainees in the United States. The President has repeatedly objected to the inclusion of these and similar provisions in prior legislation and has reiterated his call to Congress to lift the restrictions. As the President said in his State of the Union Address, "this needs to be the year Congress lifts the remaining restrictions on detainee transfers and we close the prison at Guantánamo Bay." Operating the detention facility at Guantánamo weakens our national security by draining resources, damaging our relationships with key allies and partners and emboldening violent extremists. These provisions are unwarranted and threaten to interfere with the Executive Branch's ability to determine the appropriate disposition of detainees and its flexibility to determine when and where to prosecute Guantánamo detainees based on the facts and

circumstances of each case and our national security interests. Section 528 would, moreover, violate constitutional separation-of-powers principles under certain circumstances.

Executive Office of the President

Office of the U.S. Trade Representative (USTR). The Administration urges the Congress to provide the requested funding level of \$56.2 million for USTR. The funding reduction would limit USTR's ability to conduct major trade negotiations, enforce trade agreements, and pursue new and existing trade disputes.

National Aeronautics and Space Administration (NASA)

Commercial Crew Program. The Administration appreciates the Committee's support for NASA, but is disappointed the bill does not provide the full funding request for the Commercial Crew Program. The lower funding level for the program jeopardizes the goal of sending astronauts to the International Space Station on American spacecraft by 2017 and will likely extend the period of time NASA needs to rely on Russia for transport to and from the Station. The Administration also encourages the Congress to support competition in the program, which is important to lowering risk and reducing prices in the long term.

Space Technology Program. The Administration is concerned that the bill does not fund the full request for the Space Technology program. Space Technology is important to reducing the cost and increasing the capability of NASA, other Government, and commercial space activities.

National Science Foundation (NSF)

The Administration appreciates the Committee's support for NSF. NSF invests in important research and education and lays the foundation for economic growth.

Legal Services Corporation (LSC)

The Administration strongly opposes the level of funding provided in the bill for LSC, which is \$80 million below the FY 2015 Budget request. At this funding level, tens of thousands of low-income Americans, including many military families and veterans, would be denied assistance with civil legal problems, impacting their ability to receive fair treatment in the courts. The Administration also opposes the Committee's decision not to lift the prohibition against filing class action lawsuits or restrictions on the use of non-LSC funds by LSC grantees as requested in the Budget.

Constitutional Concerns

Other provisions in the bill, including sections 509, 519, and 527, would also raise constitutional concerns in certain applications by intruding upon the President's constitutional authority over international diplomacy.

The Administration looks forward to working with Congress to address these concerns.

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