



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

June 14, 2016  
(Senate)

## **STATEMENT OF ADMINISTRATION POLICY**

### **S. 2837 — Commerce, Justice, Science, and Related Agencies**

#### **Appropriations Act, 2017**

(Sen. Cochran, R-MS)

This Statement of Administration Policy provides views on S. 2837, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year (FY) ending September 30, 2017, and for other purposes.

The Administration welcomes the bill's investments in the Federal Bureau of Investigation (FBI) and in the National Oceanic and Atmospheric Administration's observational infrastructure, including funding for the next generation of polar orbiting satellites that are critical to providing accurate and timely weather forecasts. In addition, the Administration appreciates the Committee's support for investments that would increase the International Trade Administration's trade enforcement and compliance efforts, which help ensure that U.S. businesses compete on a level playing field in the global economy. The Administration also appreciates the Committee's support for investments in State and local assistance, and the National Aeronautics and Space Administration's (NASA) Commercial Crew program. Finally, the Administration is pleased that the bill supports the construction of a new consolidated FBI headquarters facility to support the agency's national security and law enforcement missions.

However, the bill's inadequate funding of research, testing, and implementation activity for the 2020 Decennial Census would undermine the Census Bureau's efforts to reduce the costs of administering the 2020 Decennial Census by more than \$5 billion. The bill also fails to provide the funding necessary for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to hire the requested 200 additional agents and investigators to help enforce existing gun laws and keep guns out of the wrong hands. In addition, the Administration is deeply concerned that the bill adds more than \$1 billion above the FY 2017 Budget request for NASA's Space Launch System (SLS) rocket and Orion capsule while underfunding other key NASA programs—an approach that would result in an unbalanced exploration program that is unable to achieve shared exploration goals.

The Administration also urges the Congress to enact the mandatory research and development (R&D) funding requested in NASA, the National Science Foundation, and the Department of Commerce to support the critical role that R&D plays in expanding the frontiers of human knowledge, tackling the Nation's biggest challenges, and driving the economy forward.

In October 2015, the President worked with congressional leaders from both parties to secure the Bipartisan Budget Act of 2015 (BBA), which partially reversed harmful sequestration cuts slated for FY 2017. By providing fully-paid-for equal dollar increases for defense and non-defense spending, the BBA allows for investments in FY 2017 that create jobs, support middle-class families, contribute to long-term growth, and safeguard national security. The Administration

looks forward to working with the Congress to enact appropriations that are consistent with that agreement, and fully support economic growth, opportunity, and our national security priorities. However, the Administration strongly objects to the inclusion of problematic ideological provisions that are beyond the scope of funding legislation. If the final bill that is presented to the President includes such provisions, the President's senior advisors would recommend that he veto the bill.

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

### Department of Commerce

*Census Bureau Periodic Censuses and Programs (including 2020 Decennial Census).* The Administration objects to the inadequate funding provided for the Census Bureau's Periodic Censuses and Programs account. The FY 2017 Budget proposed a robust funding level for the Census Bureau to continue the research, testing, and implementation of new design changes that have the potential to save more than \$5 billion in the 2020 Decennial Census compared to repeating previous methods. The bill's funding level puts these design changes at risk, potentially increasing the cost to the taxpayer for administering the 2020 Decennial Census or requiring unsustainable reductions in other critical surveys such as the American Community Survey, the Economic Census, or the Census of Governments.

*National Network for Manufacturing Innovation (NNMI) Funding and Coordination.* The Administration urges the Congress to fully fund the FY 2017 Budget request for manufacturing institutes and coordination. The FY 2017 Budget request builds on the momentum of the first Department of Commerce-led manufacturing institute, which will launch later this year, by providing the funding to launch two more institutes in FY 2017. These institutes, which will be part of the NNMI, are designed to bridge the gap between basic research and product development to advance U.S. manufacturing capacity in critical technology areas. These institutes have already demonstrated an ability to encourage investment and production in the United States, creating good jobs now and preparing American workers for future opportunities in the advanced manufacturing sector.

*National Institute of Standards and Technology (NIST) Labs.* The Administration urges the Congress to support increased funding for high priority research initiatives at the NIST labs proposed in the FY 2017 Budget request. These initiatives allow NIST to conduct the research necessary to strengthen U.S. leadership in the industries of the future, such as advanced communications, quantum computing, and advanced manufacturing. The Administration notes that the bill provided \$24 million more than requested for lab construction and believes these funds would be better directed to the new research initiatives proposed in the FY 2017 Budget request.

*National Oceanic and Atmospheric Administration (NOAA).* The Administration appreciates the Committee's support for NOAA's observational infrastructure, including high priority weather and next generation polar satellites, and urges the Congress also to support critical investments in climate and oceans research. These investments, such as Arctic observations, the Climate Resilience Toolkit, and ocean acidification, provide information to help communities around the United States prepare for the effects of natural disasters and other ramifications of climate change and provide the science necessary to inform their preparations.

*International Trade Administration (ITA).* The Administration urges the Congress to provide the requested funding level of \$521 million, which would allow for the expansion of SelectUSA and ITA's trade promotion operations both internationally and within the United States. These investments support U.S. companies trying to compete in a global economy by opening up new markets and helping secure new overseas investment in U.S. businesses.

### Department of Justice (DOJ)

*Federal Bureau of Investigation (FBI) Headquarters Consolidation Project.* The Administration appreciates the Committee's strong support for the new consolidated FBI headquarters facility by providing the FY 2017 Budget request of \$646 million. This funding—together with prior year funding and resources in the FY 2017 Budget requested for the General Services Administration's Federal Buildings Fund—would allow the project to proceed in a timely manner. The project will culminate in a modern headquarters facility that is tailored to fully support FBI's national security and law enforcement missions.

*Federal Law Enforcement.* While the Administration appreciates the funding provided for the FBI and the Drug Enforcement Administration, the bill underfunds other law enforcement components of DOJ. The Administration is especially concerned with the Committee's funding level for ATF, which is insufficient to hire the requested 200 additional agents and investigators to help enforce existing gun laws and regulations designed to take violent criminals off the street, deter other unlawful activity, and prevent guns from getting into the wrong hands.

*Bureau of Prisons.* The Administration is disappointed that the bill does not fully fund the FY 2017 Budget request for the Bureau of Prisons to improve post-incarceration outcomes. The Administration seeks to expand mental health and substance abuse programs, provide additional vocational and educational opportunities, and to add community-based reentry programs. These programs are needed to reduce barriers to successful re-entry.

*Community Policing Initiative.* While the bill partially supports the Strengthening Police-Community Relations initiative, which includes elements of the Administration's Community Policing Initiative (CPI) proposal, it falls short of the funding necessary to ensure the success of central components of the FY 2017 Budget request. Improving community-police relations is crucial to maintaining public safety and confidence in the criminal justice system. The Administration appreciates the \$50 million the bill provides for CPI funding, including partial funding of the request for Smart Policing, Body Worn Cameras (BWC), and the Collaborative Reform Initiative. However, the Administration urges the Congress to fully fund the FY 2017 Budget request, which would expand the Building Community Trust and Justice Initiative, further increase the use of BWCs, and enable the Office of Community Oriented Policing (COPS) to partner with more law enforcement agencies and cities that may need assistance on a wide variety of criminal justice issues.

*State and Local Grants.* The Administration appreciates the overall funding level provided for criminal justice assistance. The bill provides \$2.3 billion for State and local grants, which is approximately \$235 million above the FY 2017 Budget request. The Administration urges the Congress to fully fund the request for the COPS Hiring program, which would support hiring for more than 1,200 community policing officers nation-wide. The Administration is also concerned with the significant reduction to 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.

*Violence Against Women.* The Administration appreciates the support for Violence Against Women Act programs as well as the Community Teams to Reduce the Sexual Assault Evidence Kit Backlog and Improve Sexual Assault Investigations Program. However, the Administration urges the Congress to fully fund the request for the Grants to Encourage Arrest Policies Program and the Legal Assistance Program in order to address critical needs in the fight to stop violence against women. Investments in these programs would help to improve victim safety, save lives, and establish practices that can be sustained in the coming years.

*General Legal Activities.* The Administration is concerned that the bill fails to provide any of the increases requested in the FY 2017 Budget to enhance the efforts of legal divisions, including: the Civil Rights Division to improve police-community relations, protect the rights of servicemembers, and expand access for people with disabilities; the Environment and Natural Resources Division to improve environmental protection in Indian Country and enhance the safety of America's workforce; the Civil Division to enhance elder justice efforts and enforce immigration laws; and INTERPOL Washington to keep pace with increasing requests for international law enforcement information sharing and coordination. The bill provides \$893 million for General Legal Activities, which is \$64 million below the FY 2017 Budget request.

*Guantanamo Detainee Restrictions.* The Administration strongly objects to sections 527 and 528 of the bill, 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 Guantanamo detainees in the United States. The President has repeatedly objected to the inclusion of these and similar provisions in prior legislation and has called upon the Congress to lift the restrictions. Operating the detention facility at Guantanamo weakens U.S. national security by draining resources, damaging U.S. 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 Guantanamo detainees based on the facts and circumstances of each case and U.S. national security interests. Moreover, section 527 would violate constitutional separation-of-powers principles under certain circumstances.

*Restrictions on Combatting Unlawful Gun Trafficking.* The Administration strongly objects to numerous provisions that would inhibit efforts to combat illegal gun activities, including unlawful trafficking, particularly where there has been little or no meaningful engagement with ATF on the provisions and their application. These include restrictions preventing ATF 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. The Administration also urges the Congress to repeal a number of other unnecessarily restrictive provisions made permanent in prior years.

#### Legal Services Corporation (LSC)

The Administration urges the Congress to fully fund the \$475 million requested in the FY 2017 Budget for LSC, supporting grants for high-quality civil legal assistance to low-income

Americans. LSC grantees represent the working poor, veterans, homeowners and renters, families with children, farmers, people with disabilities, and the elderly. Women—many of whom are struggling to keep their children safe and their families together through restraining orders and custody challenges—comprise 70 percent of clients. At the reduced level of \$395 million provided in the bill, thousands of otherwise eligible low-income Americans would be denied legal assistance, impacting their due process rights and fair treatment in the courts.

### National Aeronautics and Space Administration (NASA)

*Funding Balance.* The Administration appreciates the Committee's robust overall funding level for NASA. However, the Administration is deeply concerned that the bill adds more than \$1 billion above the FY 2017 Budget request for the SLS rocket and Orion capsule while underfunding other key NASA programs. Continued congressional focus on these large-scale development programs at the expense of the technologies and capabilities needed to make space exploration affordable and future missions achievable would result in an unbalanced exploration program that is unable to achieve shared exploration goals.

*Exploration R&D.* The Administration strongly urges the Congress to fully fund the FY 2017 Budget request for Exploration R&D, including funds to initiate a public/private partnership to create a deep space habitat and to proceed with the Asteroid Redirect Mission. Underfunding the request would leave the SLS and Orion without missions and needed capabilities when their testing is complete.

*Space Technology.* The Administration urges the Congress to fully fund the FY 2017 Budget request for NASA Space Technology. Compared to the request, the bill reduces funding for these investments by \$140 million, or 17 percent, and includes programmatic direction that further reduces the funding available for planned missions. Impacts would likely include delaying development of a cutting-edge laser communication system, advanced, high power solar electric propulsion, and other space technology demonstrations, slowing progress on the journey to Mars, and reducing the international competitiveness of the U.S. commercial space industry.

*Aeronautics.* The Administration urges the Congress to fully fund the FY 2017 Budget request for Aeronautics. The bill's reduction of \$190 million from the request would likely force NASA to abandon its new series of experimental aircraft intended to make aircraft faster, greener, and more efficient and to ensure the U.S. aerospace industry's leadership.

*Science.* The Administration urges the Congress to fully fund the FY 2017 Budget request for NASA Science programs. Compared to the request, the bill reduces funding by over \$200 million, potentially delaying or cancelling space science missions in development, terminating operating missions, and reducing new funding for research grants.

*Space Operations.* The Administration urges the Congress to fully fund the FY 2017 Budget request for NASA Space Operations, for which the bill provides \$125.2 million below the request.

### National Science Foundation (NSF)

*Agency Operations and Award Management.* The Administration is concerned that the bill underfunds the required costs associated with the agency's plans to move its headquarters in FY 2017 and would therefore impact the agency's ability to carry out its mission.

*Major Research Equipment and Facility Construction.* The Administration is concerned that the Committee provided \$53 million more than requested for the Major Research Equipment and Facility Construction account and believes these funds would be better directed to other NSF initiatives.

Equal Employment Opportunity Commission (EEOC)

*Topline Funding.* The Administration is disappointed that the bill underinvests in EEOC by freezing the agency at last year's funding level, which is \$12 million below the FY 2017 Budget request, and urges the Congress to fully fund the FY 2017 Budget request. A freeze in funding would result in EEOC's fourth year of essentially flat funding, which would compromise EEOC's ability to target and remedy employment discrimination and ensure that individuals alleging discrimination have timely access to justice. This level would impede EEOC's ability to reduce its private-sector charge backlog and leverage technology to increase efficiency and customer service.

Other Issues

*U.S. Digital Service Team.* The Administration urges the Congress to fully fund the FY 2017 Budget request for the Departments of Commerce and Justice, NASA, and NSF to develop a U.S. Digital Service team. This funding supports efforts to improve digital services that have the greatest impact on citizens and businesses.

Constitutional Concerns

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

The Administration looks forward to working with the Congress as the FY 2017 appropriations process moves forward.

\* \* \* \* \*