



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

June 14, 2005
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2862 – Science, State, Justice, Commerce, and Related Agencies Appropriations Bill, FY 2006

(Sponsors: Lewis (R), California; Obey (D), Wisconsin)

The Administration supports House passage of the FY 2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Bill, as reported by the House Appropriations Committee.

The Administration applauds the Committee for reporting this bill in a timely manner and looks forward to working with the Congress to ensure that the FY 2006 appropriations bills do not exceed the \$843-billion discretionary funding level proposed in the President's FY 2006 Budget and contained in the FY 2006 Congressional Budget Resolution. Sustaining the economy's expansion requires strong Federal spending discipline. The President's Budget includes over 150 savings and reforms and was the first to propose reducing non-security discretionary spending since the Reagan Administration. The Administration urges Congress to shift funding from lower priorities and, as assumed in the Budget Resolution, to hold spending in the non-security discretionary category below last year's level.

Given the need for responsible spending restraint, the Administration urges Congress to fully fund unavoidable obligations. The Administration looks forward to working with Congress to ensure the Administration's priorities are met within the overall total.

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

National Aeronautics and Space Administration (NASA)

The Administration appreciates the Committee's strong support for NASA, demonstrated by its fully funding the President's Vision for Space Exploration and endorsing the agency's efforts to restructure Project Prometheus. The Administration supports the Committee's call for the development of a national aeronautics policy. Additionally, the Committee is commended for limiting the number of Congressional interest items that would, if implemented divert necessary resources for ongoing and planned science and technology efforts, and for once again providing the necessary flexibility to transfer funding as necessary for important program adjustments.

National Science Foundation (NSF)

The Administration appreciates the Committee's strong support for NSF. The Administration also appreciates the Committee's endorsement of the President's proposal to shift funding for polar icebreaking to NSF, and looks forward to working with the Committee to

ensure that the Nation's icebreaking capabilities will support NSF's mission and other national needs.

Department of State

The Administration appreciates the support the Committee provided for State Department programs, including the Capital Security Cost Sharing Program, which will support building safe and secure diplomatic facilities overseas. The Administration opposes Section 625 of the bill, relating to diplomatic facility space assignment and planning, as unnecessary interference with the internal functioning of the Executive Branch.

However, two key programs in support of the President's agenda to promote freedom around the world were funded below the requested level. The Educational and Cultural Exchange Program was reduced by \$20 million and the National Endowment for Democracy (NED) by \$30 million. These two programs are important to supporting democracy building around the world. Educational and cultural exchanges are intended to ensure that people abroad understand America, our values, and our way of life while NED trains future leaders and civil society to build and sustain democratic governments. The Administration looks forward to working with Congress to ensure that these programs receive funding at the requested level.

The Administration appreciates that the Committee provided full funding of the President's request for Contributions to International Peacekeeping Activities. However, the Administration objects to the \$130-million reduction to the Contributions to International Organizations (CIO) account, which would prevent our fully meeting current international obligations to the United Nations (UN) and affiliated organizations. Congress is urged to provide full funding for CIO and other international organizations, including International Fisheries Commissions, at the requested level.

The Administration opposes the Committee's elimination of the President's request of \$10 million within the International Broadcasting Operations account for a dedicated platform for broadcasting to Cuba. The request would fund a dedicated broadcasting platform for radio and television broadcasting to Cuba, as recommended by the President's Commission for Assistance to a Free Cuba, to break the information blockade imposed by the Castro regime.

The Administration also opposes as unnecessary section 626 of the bill.

The Administration opposes section 633 of the House bill that would prevent the implementation of certain defense export control activities and direct how certain export control regulations are administered, interfering with the Secretary of State's effective administration of defense export controls. Moreover, the detailed issues covered by the provision are better left to be addressed through notice-and-comment rulemaking with public participation. The Administration is also concerned with section 406, which could have unintended negative consequences for information sharing with foreign governments.

Department of Justice (DOJ)

The Administration appreciates the Committee's support for Federal law enforcement and other criminal justice efforts, including the request for the Federal Bureau of Investigation and its Terrorist Screening Center. The Administration also appreciates the Committee's support of its request for the Office of the Federal Detention Trustee.

While the Committee supported some of the reductions proposed by the Administration, further reductions are needed to fund important anti-crime and other initiatives. The proposed reductions are in programs that for the most part cannot demonstrate performance. The Administration urges the House to provide full funding for Capital Litigation Improvement Grants, USA Freedom Corps, and Prisoner Re-Entry. The Administration also urges full funding for Project Safe Neighborhoods, including funding for Project ChildSafe, State and Local Gun Crime Reduction Grants, and Criminal History Records; as well as proposed enhancements to the Environment and Natural Resources Division and the Civil Division to support crucial tribal trust and spent nuclear fuel litigation. Funding for these important initiatives at the requested level can be provided by eliminating program increases above those proposed by the Administration and by adopting the program savings proposed in the Budget. The Administration also encourages the House to adopt the proposed cancellation of Bureau of Prison prior year construction funds.

Each year, the Congress enacts obligation limitations for the Crime Victims Fund. Without the obligation limitation, the formula under which most funds are spent would result in a dramatic spike in mandatory spending over the prior year – based on unspent balances carried in the Fund in recent years. As a result of these funding delays, discretionary savings have been credited when no reduction in spending is fully implemented. For 2005, the Committee has delayed the expenditure of \$1.3 billion from the Crime Victims Fund. In recent years, roughly the same amount in savings has been claimed each year by including similar language. The Administration urges the House to achieve permanent savings by canceling, rather than temporarily blocking, the excess funding for this program.

While the Administration appreciates the support given to DOJ's drug enforcement capabilities, the House is urged to restore the proposed offsets in DEA's demand reduction program and mobile enforcement teams, and to adopt the proposed transfer of the High Intensity Drug Trafficking Areas program to DOJ, where it can more effectively coordinate with the Organized Crime Drug Enforcement Task Force.

Department of Commerce

The Administration appreciates that the Committee provides funding consistent with the President's request for most elements of the Department of Commerce, including reductions of funding for lower-priority programs that are no longer warranted. However, the Administration is concerned that the bill does not support the Strengthening America's Communities Initiative (SACI). Nearly every comprehensive review of the Federal approach to community and economic development points to the significant duplication of effort, lack of coordination, and unnecessary administrative burdens from the current set of Federal programs. SACI would target funding to those communities most in need of assistance and help ensure that investments in these communities achieve results. The Administration will be submitting legislation to

Congress later this summer and looks forward to working with Congress to maximize the benefits of these development efforts within available funds.

The Administration strongly supports the Committee's action to terminate, as requested, the Advanced Technology Program and Public Telecommunications Facilities, Planning and Construction grants, and to rescind most unused balances in the Emergency Steel Loan Guarantee Program. Resources for other important activities could be realized by adopting additional Administration savings proposals, such as reducing the funding for the Manufacturing Extension Partnership program to the level of the President's request.

The Administration encourages the House to provide funding for Commerce's costs related to its planned renovation of its headquarters, the Herbert C. Hoover Building. The Administration also urges the House to provide the requested funding for climate research activities and key ocean and coastal programs, including funding for the fourth fishery research vessel and protected species and fisheries research and management programs. The Administration strongly urges the House to fully fund the President's research request for key measurement and innovation initiatives and laboratory renovation work within the National Institute of Standards and Technology. The Administration appreciates the funding provided for the 2010 Census and American Community Survey and would oppose further reductions in requested Census Bureau funding.

The Administration strongly opposes inclusion of any provision of the bill, such as a provision relating to Trade-Related Aspects of Intellectual Property (TRIPS) rights, that purports to limit the President's exercise of the exclusive authority vested in him by the Constitution to negotiate agreements with foreign countries and international organizations. The TRIPS provisions in trade agreements are important to advance U.S. Government efforts to protect the intellectual property rights of Americans.

Other Agencies

The Administration appreciates that the bill provides the requested \$331 million for the Equal Employment Opportunity Commission (EEOC), which will allow EEOC to fulfill its important civil rights enforcement responsibilities. The Administration acknowledges the Committee's continuing support for EEOC's efforts to improve its effectiveness and efficiency.

President's Management Agenda and E-Government

The Administration strongly urges the Committee to fund the President's E-Government Initiatives. This action is necessary to ensure that American citizens and small business are able to still receive high quality e-government services. The House bill contradicts repeated Congressional and GAO direction to develop inter-agency information technology solutions which reduce costs and improve service levels. We look forward to continuing to work with the House on these important initiatives.

Potential Amendments

The Administration understands that amendments may be offered that would seek to change the USA PATRIOT Act. These provisions should be addressed by the appropriate

authorizing Committees, who are in the process of conducting oversight hearings. If any amendment that would weaken the USA PATRIOT Act were included in a bill presented to the President for his signature, the President's senior advisors would recommend a veto.

The Administration understands that an amendment may be offered that would restrict enforcement of the Controlled Substances Act. The Administration opposes attempts to circumvent the recent Supreme Court decision upholding the Federal Government's authority to prohibit the local cultivation and use of marijuana even in States that permit its use for medical purposes. Marijuana is the most widely abused drug in the United States today. Further, States should not have the authority to independently designate a substance that has not been recognized by the Food and Drug Administration as an approved medicine.

The Administration understands that an amendment may be offered that would weaken current sanctions against Cuba. The Administration believes that it is essential to maintain sanctions and travel restrictions to deny economic resources to the brutal Castro regime. If any provisions that weaken existing sanctions against Cuba, including restrictions on travel and gift parcels, are included in the final version of the bill presented to the President for his signature, the President's senior advisors would recommend a veto

Constitutional Concerns

The Administration urges the House to strike provisions of the bill that impermissibly infringe upon the President's constitutional authority to conduct the Nation's foreign relations, including sections 610 and 624, and the President's constitutional authority as commander in chief, including section 608.

The execution of a law cannot constitutionally be conditioned upon compliance with documents that do not have the force of law because they do not comply with the Bicameralism and Presentment requirements of the Constitution, such as congressional committee operating plan procedures and statements of conference managers, and the Administrative Provisions in Title III of the Bill should be revised to eliminate references to such documents.

The reference in section 605 by law to items "approved by Congress" should be amended to refer to items "approved by law," as passage of a law is the only means by which the House and Senate together can bind the Executive Branch.

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