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

November 13, 2023
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 5893 — Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024
(Rep. Granger, R-TX)

The Administration strongly opposes House passage of H.R. 5893, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year (FY) ending September 30, 2024, and for other purposes.

In May, the Administration negotiated in good faith with House Republican Leadership on bipartisan legislation to avoid a first-ever default and protect the Nation's hard-earned and historic economic recovery. This negotiation resulted in the Fiscal Responsibility Act (FRA) of 2023, which passed with overwhelming bipartisan support and set spending levels for FYs 2024 and 2025. The agreement held spending for non-defense programs roughly flat with FY 2023 levels, a compromise that protected vital programs Americans rely on from draconian cuts House Republicans proposed. The agreement also protected historic legislative accomplishments from the past two years, including the Inflation Reduction Act (IRA), Honoring our PACT Act of 2022, CHIPS and Science Act, and the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law).

House Republicans had an opportunity to engage in a productive, bipartisan appropriations process, but instead are wasting time with partisan bills that cut domestic spending to levels well below the FRA agreement and endanger critical services for the American people. These levels would result in deep cuts to clean energy programs and other programs that work to combat climate change, essential nutrition services, law enforcement, consumer safety, education, and healthcare.

These bills include billions in additional rescissions from the IRA and other vital legislation that would result in unacceptable harm to clean energy and energy efficiency initiatives that lower energy costs and other critical investments in rural America.

The draft bills also include numerous new, partisan policy provisions with devastating consequences including harming access to reproductive healthcare, threatening the health and safety of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Americans, endangering marriage equality, hindering critical climate change initiatives, and preventing the Administration from promoting diversity, equity, and inclusion.

The Administration stands ready to engage with both chambers of the Congress in a bipartisan appropriations process to enact responsible spending bills that fully fund Federal agencies in a timely manner.

If the President were presented with H.R. 5893, he would veto it.

The Administration would like to take this opportunity to share additional views regarding the House Appropriations Subcommittee's (Subcommittee) version of the bill.

Department of Justice (DOJ)

DOJ Topline. The Administration strongly opposes the funding level for DOJ which, if enacted, would limit the ability of DOJ to enforce the rule of law, prevent crime, and strengthen public safety and public trust. The bill provides $32.6 billion to DOJ, $1.2 billion or 4 percent below the FY 2023 enacted level. The bill undermines efforts to address violent crime plaguing America's communities. In the FY 2024 Budget request, the Administration requested $395 million across the Department to prevent and reduce violent crime and enhance gun background checks to make communities safer. The bill not only fails to provide those vital resources, but it also reduces the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) by $141 million, the Federal Bureau of Investigation (FBI) by $400 million, and numerous grant programs that support State and local law enforcement and community efforts to counter violent crime from the FY 2023 enacted level. Critically, the funding level would thwart implementation of the Bipartisan Safer Communities Act (BSCA), the most significant gun violence reduction legislation passed by the Congress in 30 years. In addition, the Administration strongly opposes language that would prohibit DOJ's ability to uphold constitutional rights, including enforcing the Nation's civil rights laws to protect LGBTQI+ Americans from discrimination. These provisions would erode the promise of equal rights and leave LGBTQI+ Americans vulnerable to attacks on their safety and rights.

ATF Funding Reductions. The Administration strongly opposes the bill's $141 million reduction to ATF below the FY 2023 funding level, which would force ATF to eliminate 400 positions and over 200 agents. This reduction would stifle implementation of the BSCA—a law that has already led to the prosecution of more than 100 illegal firearms traffickers and straw purchasers, the recovery of more than 35,000 untraceable "ghost guns," and the license suspension of 90 firearms dealers who refused to run required background checks or sold guns with full awareness that they would end up in the hands of prohibited persons. The bill underfunds the Administration's request by $344 million, which included critical resources to crack down on illegal firearm traffickers, improve compliance with BSCA and the Gun Control Act, and catch violent criminals and repeat shooters through crime gun ballistics and tracing.

FBI. The Administration opposes the $400 million reduction to FBI's Salaries and Expenses account, resulting in the loss of up to 1,850 positions at a time when the FBI's expertise is most necessary to combat the crimes affecting communities today, such as gun violence, and other violent and organized crime. At this funding level, FBI's continued implementation of the BSCA, including the implementation of enhanced background checks, would be seriously undermined. In addition, investments over the past several years to enhance the FBI's cyber incident response capabilities would be negatively impacted. The Administration also opposes restrictions on the FBI's Construction account that would not allow the FBI to maintain the physical and information technology infrastructure necessary to conduct its critical law enforcement and counterintelligence missions.

Grant Consolidations and Reductions. The Administration opposes efforts in the bill to arbitrarily consolidate Office of Justice Programs grant accounts under the guise of streamlining, an action that serves only to obfuscate harmful reductions to: Violence Against Women Act grant programs, a reduction of $16 million from the enacted FY 2023 level; juvenile justice and grants to combat the victimization of children, a $77 million reduction from the FY 2023 enacted level; tribal safety, $33 million reduction from the FY 2023 enacted level; substance use treatment and response, a $30 million, reduction from the FY2023 enacted level; and other vital programs, without creating any practical impact on the actual administration of DOJ grants. These reductions are exacerbated by the redirection of grant funding to specific projects, limiting the Department's ability to fund their highest priority projects and operate their programs effectively.

Elimination of Community Violence Intervention (CVI) Programs. The Administration strongly opposes the elimination of CVI programs, which support strategies shown to reduce violence by as much as 60 percent in areas where they are implemented. CVI is a critical part of the Administration's strategy to prevent and reduce gun violence, and the proposed elimination would harm public safety by reducing resources necessary to protect the Nation's communities.

Elimination of Hate Crime Prevention Programs. The Administration strongly opposes the elimination of funding for the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Program, and the Jabara-Heyer NO HATE Act Programs, which support State and local efforts to prevent and respond to hate crimes. These eliminations are particularly troubling given recent FBI data showing hate crimes reached an all-time recorded high in FY 2022, and the importance of these programs to the Administration's efforts to combat hate crimes.

Gun Safety Regulation. The Administration strongly opposes the bill's numerous new provisions in title V, that would repeal all of the Administration's firearm regulations, require ATF to rapidly approve the sales of highly dangerous machine guns and silencers, undermine support for BSCA and red flag laws that help keep dangerous weapons out of dangerous hands, prohibit funding for gun crime research, and hinder ATF's ability to trace guns used to commit crimes.

Executive Office for Immigration Review (EOIR). The Administration strongly opposes the bill's $100 million reduction from the FY 2023 enacted level for EOIR. The bill fails to support the 100 new immigration judges EOIR has hired in FY 2023 and would result in over 50,000 fewer case resolutions per year. Moreover, the Administration strongly opposes the inclusion of the asylum language in Sec. 546 and Sec. 547 of the House CJS bill, that prohibits DOJ and the Department of Homeland Security jointly from implementing the Asylum Officer Rule, which would further exacerbate the immigration case backlog.

Cybersecurity. The Administration strongly opposes the $100 million reduction from the FY 2023 enacted level to the account that funds critical cybersecurity investments at the DOJ that are vital to ensuring national security. This reduction amounts to a 72-percent reduction below the FY 2023 enacted level, and undermines DOJ's efforts to address critical cybersecurity vulnerabilities that became apparent after the SolarWinds data breach, including ongoing efforts to deploy zero trust architecture across DOJ's information technology systems.

Antitrust Division. The Administration opposes the $32 million reduction from the FY 2023 enacted level for the Antitrust Division. The inclusion of a new policy provision, section 594, limits the Antitrust Division's ability to hire new staff, or modify Merger Guidelines. Combined with the proposed funding reduction, the policy provision would severely hinder the Antitrust Division's efforts to promote competition and maintain antitrust enforcement, harming consumers and the economy.

Prohibiting Funding to End the Use of Private Prisons. The Administration opposes section 543 of the bill, which would prohibit the use of funds to implement Executive Order 14006, "Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities." As DOJ's own Inspector General report in 2016 found, private prisons often do not provide the same level of correctional services, programs, and resources, do not save substantially on costs; and do not maintain the same level of safety and security as Bureau of Prisons facilities.

National Security Division. The Administration opposes the $13 million reduction to DOJ's National Security Division, a 10 percent reduction from the FY 2023 enacted level. The National Security Division performs critical functions, including the foreign investment reviews to address national security concerns, enforcement of export controls, foreign agent registration, and oversight of Foreign Intelligence Surveillance Act activities of the FBI. All of these activities would be negatively impacted by the funding reductions proposed by the House.

<u>Department of Commerce</u>

Commerce Topline. The Administration strongly opposes the topline for the Department of Commerce, which, if enacted, would severely limit the Department's ability to invest in the Nation's continued economic growth. The bill provides $9.6 billion for the Department, a reduction of $1.6 billion, or 14 percent, from FY 2023 enacted level. This funding level would negatively impact the Department's ability to provide the economic development, data, and services that promote the Nation's competitiveness and ensure fair representation.

Supply Chain Resiliency. The Administration strongly opposes proposed funding reductions from the FY 2023 enacted level for the International Trade Administration (ITA). These reductions would significantly harm the Nation's economic and national security, including preventing ITA from identifying and mitigating risks posed by vulnerable supply chains.

Decennial Census. The Administration strongly opposes section 559 of the bill, which would exclude undocumented immigrants from the apportionment count of the decennial census. This language would change current law and practice in an attempt to undercount immigrants, and conflicts with the principle of equal representation, census statutes, and historical tradition.

Economic Development. The Administration strongly opposes proposed funding reductions for the Economic Development Administration (EDA), which would decrease funding by $219 million, or more than 50 percent, from the FY 2023 enacted level. EDA plays a crucial role in facilitating regional economic development in small, rural, impoverished, and underserved communities across the Nation.

National Aeronautics and Space Administration (NASA)

Artemis Program. The Administration appreciates the bill's strong support for the Artemis program of lunar exploration. The Administration looks forward to continuing to work with the Congress to support NASA as it returns to the surface of the Moon with commercial and international partners, and paves the way for a crewed mission to Mars.

Science Program. The Administration is concerned that the bill's reduction of NASA's Science program by more than $400 million below the FY 2023 enacted level would result in the termination and delay of multiple satellite missions currently in development. Additional funding would help ensure continued U.S. leadership in robotic space exploration.

Science, Technology, Engineering, and Mathematics (STEM) Engagement. The Administration opposes the bill's reduction of $55 million to the Office of STEM Engagement from the enacted FY 2023 level, which would result in termination of existing competitive awards to minority-serving institutions. Additional funding would restore NASA's ability to work with universities and other partners to recruit and retain students in STEM fields.

Construction and Environmental Compliance and Restoration (CECR). The Administration is concerned that the bill's reduction of NASA's CECR funding by more than $165 million, a 40 percent decrease, would degrade the readiness of its facilities that support critical NASA missions.

National Science Foundation (NSF)

NSF Topline. The Administration is concerned that the bill's reduction from the FY 2023 enacted level for NSF would reduce investment in building a globally competitive and diverse STEM workforce and result in approximately 320 fewer awards, preventing the Foundation from realizing the vision outlined in the CHIPS and Science Act (Public Law 117-167). Funding at the FY 2024 Budget level would allow NSF to fund more grants in high priority areas such as artificial intelligence, semiconductors, and advanced manufacturing in support of U.S. technological leadership.

Other Provisions

Science Innovation. The Administration is concerned that section 552 of the bill would prevent agencies from funding their public access programs, chilling scientific innovation, and limiting the reach of American ingenuity funded by the Federal Government.

Constitutional Concerns

Certain provisions of the bill raise constitutional concerns, including by interfering with the President's authority to conduct diplomacy. The Administration looks forward to working with the Congress to address these and other concerns.

The Administration looks forward to working with the Congress as the FY 2024 appropriations process moves forward.

* * * * * * *