



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

June 26, 2018

THE DIRECTOR

The Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairman Shelby:

On June 14, 2018, the Appropriations Committee considered the fiscal year (FY) 2019 Commerce, Justice, Science, and Related Agencies Appropriations bill. Overall, according to information provided in the Committee press release, the bill appears to decrease funding by about \$2.7 billion, or more than 4 percent below the FY 2019 Budget request. The Administration appreciates the opportunity to weigh in on this bill.

The President's FY 2019 Budget request, as amended, accounts for the Bipartisan Budget Act of 2018 (BBA's) new Defense and non-Defense discretionary spending caps for FY 2019. As we have noted in previous letters as well as the FY 2019 Budget, the Administration strongly supports the overall defense levels included in the BBA. However, given the Nation's long-term fiscal constraints and the need to right-size the Federal Government, the Administration does not support spending at the BBA's non-Defense caps.

The Administration appreciates that the Committee bill includes funding for critical priorities, including:

- **Federal Law Enforcement.** The bill strongly supports the Department of Justice's (DOJ) law enforcement components including the Federal Bureau of Investigation; the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Organized Crime and Drug Enforcement Task Forces; the U.S. Marshals Service; and Federal Prisoner Detention by providing a total of \$16.3 billion. These resources would support efforts to address key priorities including drug trafficking, immigration enforcement, violent crime, and counterterrorism.
- **Immigration Judges (IJs).** The bill provides \$563 million for the Executive Office of Immigration Review (EOIR) within DOJ, which would support 75 new IJs and support staff. These resources would support the Administration's immigration enforcement efforts by increasing EOIR's adjudicatory capacity to more efficiently address the growing caseload.
- **Combating the Opioid Crisis.** The bill fully funds anti-opioid efforts across DOJ, providing over \$2.2 billion for DEA in support of its efforts to eliminate prescription drug diversion and abuse, counteract growing heroin and fentanyl availability, and

enhance law enforcement safety in dealing with these deadly substances. The bill also provides \$360 million for Comprehensive Addiction and Recovery Act programs including the Comprehensive Opioid Abuse Program, Drug Courts, Residential Substance Abuse Treatment, and Prescription Drug Monitoring Programs.

- State and Local Grants. The Administration appreciates the overall support provided by the Committee for State and local law enforcement assistance grants within DOJ, including the Project Safe Neighborhoods program. The Administration looks forward to working with the Congress to ensure the necessary funding is in place to fully support efforts to create safer neighborhoods through sustained reductions in violent crime.
- National Aeronautics and Space Administration (NASA). The bill provides the requested funding for the Administration's efforts to lead an innovative program of exploration with commercial and international partners to enable human expansion across the solar system, including initial funding for a lunar robotic lander program and a lunar-orbit gateway to mature long-duration human exploration capabilities.
- 2020 Decennial Census. The bill provides \$3.6 billion for the Census Bureau's Periodic Censuses and Programs at the Department of Commerce, to continue preparations to conduct a modern, efficient, and accurate 2020 Decennial Census. This level supports all planned testing, preparations, and scale up in operations as the Census Bureau enters this critical phase of the program.
- Weather Satellites. The bill provides \$1.8 billion for the Department of Commerce's National Oceanic and Atmospheric Administration's (NOAA) procurement activities, which supports, among other things, acquisition of NOAA's weather satellites. The Administration appreciates that the bill adopts the organizational changes proposed in the FY 2019 Budget request to combine the current polar orbiting satellite program with the planned follow on to allow more efficient management, thereby lowering costs compared to prior estimates without impacting schedule.
- Trade Enforcement. The bill provides strong support for the FY 2019 Budget request for the International Trade Administration (ITA) and Bureau of Industry and Security (BIS) trade enforcement programs within the Department of Commerce, which directly support the Administration's efforts to address unfair trade practices impacting U.S. businesses and national security. The funding increases requested in the FY 2019 Budget for ITA and BIS are necessary to allow these bureaus to utilize their statutory authorities to investigate export control and trade violations, enforce export control and trade laws, as well as conduct critical industrial base studies.

However, the bill underfunds key investments in critical areas supported in the FY 2019 Budget request and/or includes funding that the Administration believes is not in line with the overall restraint in non-Defense spending reflected in the FY 2019 Budget request, including:



- National Science Foundation (NSF). The bill provides \$8.1 billion for NSF, approximately \$0.6 billion above the FY 2019 Budget request. The Administration believes that the amount in the FY 2019 Budget request is sufficient to meet the agency's mission and maintain current operations.
- NASA Wide-Field Infrared Survey Telescope (WFIRST). The bill provides \$352 million for the WFIRST space telescope, which the FY 2019 Budget request had proposed to eliminate. The Administration believes that proceeding with the WFIRST mission is premature given the program's cost (which is much greater than was initially envisioned), continuing problems with the James Webb space telescope that may require additional funding, and higher priorities within NASA.
- NASA Education. The bill provides \$110 million for NASA STEM Opportunities, previously known as the Office of Education. The Administration believes these funds should be redirected to NASA's core mission of exploration. Internships, fellowships, missions, and programs funded elsewhere in NASA would continue to inspire and engage future scientists and engineers.
- NASA Technology Projects. The bill and report direct NASA to spend almost \$200 million on lower-priority technology projects, reducing funding available for technology projects that are needed to support the agency's goals.
- Economic Development Administration (EDA). The bill continues to provide funding for EDA within the Department of Commerce, which the FY 2019 Budget proposes to eliminate. The Congress has failed to reauthorize EDA's Economic Development Assistance Programs since the authorization expired in 2009 and independent reviews of EDA's programs by the Government Accountability Office have identified these programs as duplicative of other Federal, State, and local efforts.
- Manufacturing Extension Partnership (MEP) Program. The bill continues to provide funding for the National Institute of Standards and Technology's MEP program within the Department of Commerce. The FY 2019 Budget proposes to eliminate Federal funding for MEP centers, which subsidize advisory and consulting services for private sector manufacturing companies, and transition the program to non-Federal funding sources consistent with the original intent of this program.

The Administration urges the Congress to include in the bill the amendments requested in the FY 2019 Budget in section 218 of the DOJ General Provisions. The amendments would prevent State and local government officials from prohibiting or restricting any law enforcement entity or official from complying with a lawful civil immigration detainer request, and would authorize the Department of Homeland Security and DOJ to make Federal grant awards subject to State and local cooperation with immigration enforcement activities and requests.

In addition, the FY 2019 Budget request reflects the Administration's desire to bring more Federal spending under the caps reached in the 2018 BBA by limiting the use of changes in mandatory programs, or CHIMPs, that generate no net outlay savings to offset real increases in

discretionary spending. While there are programmatic reasons for some CHIMPs, most of them simply push the availability of funding from one year to the next, or rescind money from a program that no one actually expected would be spent. The Administration encourages the Committee to achieve its discretionary topline while minimizing the use of CHIMPs. Specific to this bill, the Administration looks forward to working with the Congress to reform the Crime Victims Fund—by far the largest CHIMP—to cap receipts going into the fund, to ensure the long-term sustainability of the account, and to provide predictable and sufficient funding for crime victims and victim services.

As the Senate takes up the Commerce, Justice, Science, and Related Agencies Appropriations bill, the Administration looks forward to working with you to address these concerns.

Sincerely,



Mick Mulvaney  
Director

cc: The Honorable Jerry Moran  
The Honorable Jeanne Shaheen

Identical Letter Sent to the Honorable Patrick Leahy