



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

May 21, 2019

The Honorable Nita Lowey  
Chairwoman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Lowey:

On May 17, 2019, the Commerce, Justice, Science, and Related Agencies Subcommittee considered the fiscal year (FY) 2020 Commerce, Justice, Science, and Related Agencies Appropriations bill. We are strongly opposed to the budgetary framework that underlies this and other appropriations bills being considered by the Appropriations Committee. In advance of Full Committee consideration of this bill, I would like to take this opportunity to share both these overall concerns as well as specific concerns related to this bill.

The Commerce, Justice, Science, and Related Agencies Appropriations bill is being considered under House Democrats' budget framework, which would raise the discretionary spending caps by more than \$350 billion in FYs 2020 and 2021 and does not reflect a House-passed budget resolution or a bipartisan, bicameral agreement. This would put the Federal Government on track to add nearly \$2 trillion to deficits over 10 years, while the national debt is already above \$22 trillion and rising.

In addition, the House Democrats' framework continues the misguided notion that increases to defense spending must be matched or exceeded by increases to non-defense spending. The bills under consideration actually provide more than twice as much additional funding in FY 2020 for non-defense than for defense programs, relative to FY 2019 levels. Investing in our national security remains a key Administration priority, but ensuring our defense does not require additional non-defense discretionary funding.

Excessive deficits continue to threaten the Nation's progress, and without action to restore the proper size and role of Government, deficits will remain over a trillion dollars per year for the foreseeable future. The President's FY 2020 Budget provides the Congress with a clear roadmap for bringing Federal spending under control. It proposes more spending reductions than any other administration has proposed in history, while providing necessary funding for defense, national security, and other critical needs. Importantly, the Budget protects these key priorities while adhering to the discretionary spending caps in current law. The Congress must do the same.

Overall, according to information provided in the Subcommittee press release, the bill provides \$66.4 billion, \$3.7 billion, or five percent, below the FY 2020 Budget request and \$2.3 billion above the FY 2019 enacted level.

The Administration appreciates that the Subcommittee bill includes funding for critical priorities, including a total of \$15.7 billion for Federal law enforcement, fully funding anti-opioid efforts across the Department of Justice (DOJ), and its support for priorities, including trade enforcement, within the United States Trade Representative and the Department of Commerce (DOC). The Administration also appreciates the inclusion of \$669 million for DOJ's Executive Office of Immigration Review (EOIR), which would fund 100 new immigration judges and support staff. These resources are vital to the Administration's immigration enforcement efforts because they increase EOIR's adjudicatory capacity to more efficiently address a growing caseload and the alarmingly large backlog of immigration-related cases. However, the Administration is concerned with section 218 of the bill because it could undermine case-processing goals set by EOIR to reduce the backlog of immigration-related cases.

However, the bill includes funding that the Administration believes is not in line with the overall effort to control non-defense spending reflected in the FY 2020 Budget request or underfunds key investments in critical areas supported in the FY 2020 Budget request, including:

- **Federal Prisoner Detention.** The Administration urges the Committee to fully fund the Federal Prisoner Detention (FPD) account at the requested level. Since April 2017, the U.S. Marshals Service's (USMS) detainee population has grown by over 25 percent, primarily due to immigration, weapons, and drug offenses. While USMS is in the process of implementing cost saving measures, without the resources requested in the FY 2020 Budget, USMS would be unable to adequately support current and anticipated population increases.
- **Legal Representation Funding.** The Administration opposes the establishment of a new grant program that would provide direct legal representation in immigration court to those arriving at the Southwest border seeking asylum. The Administration is concerned that this program would be inconsistent with Section 292 of the Immigration and Nationality Act of 1965, which makes it clear that aliens in removal hearings are not entitled to Government-funded attorney representation.
- **Unnecessary Prison Construction.** The bill does not adopt the Administration's proposal to achieve \$505 million in savings by cancelling a long-delayed prison construction project that, following five years of a declining prison population, is no longer necessary.
- **State and Local Grants.** While the Administration appreciates the overall support provided by the Subcommittee for State and local law enforcement assistance grants, the Administration urges the Committee to provide funding for the Project Safe Neighborhoods (PSN) program. PSN remains the centerpiece of the Administration's violent crime reduction efforts that has led to the greatest number of prosecutions of violent criminals in at least 25 years.

- Census Bureau (Census). The bill provides \$8.2 billion for the Periodic Censuses and Programs account, which funds a variety of surveys including the Decennial Census. This amount is \$2.3 billion above the FY 2020 Budget request and does not account for the \$1 billion in forward funding that the Congress previously appropriated to support execution of the Decennial Census. This funding level is not necessary to support all planned preparation, scale up, and operations anticipated in 2020. The Administration also opposes language that would prevent the implementation of the 2020 Decennial Census questions that were submitted to the Congress in March 2018 per the Census Act.
- National Science Foundation (NSF). The Subcommittee bill funds NSF at \$1.6 billion above the requested level. This unrequested funding undermines the Administration's intent to keep non-defense spending in check.
- National Aeronautics and Space Administration (NASA). The Administration appreciates that the bill funds NASA at close to the requested level, as amended, but is very disappointed that the bill provides far less funding than is needed to support the Administration's goal of a near-term human lunar landing. Instead, the bill diverts funding to support lower-priority activities within the Agency. The Administration strongly urges the Committee to redirect this funding to allow the United States to return astronauts to the Moon by 2024.
- DOC Program Eliminations. The bill continues to fund programs at DOC that are proposed for elimination in the FY 2020 Budget request. These include the Economic Development Administration, the Manufacturing Extension Partnership, and several grant programs within the National Oceanic and Atmospheric Administration. The Administration urges the Committee to discontinue funding for these programs that are that are duplicative, unauthorized, or lower in priority.

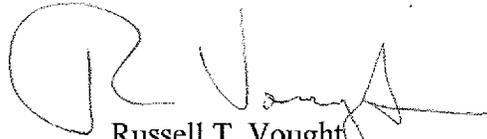
The Administration urges the Committee to include in the bill the amendments requested in the FY 2020 Budget in section 217 of the DOJ General Provisions. The amendments proposed by section 217 would prevent State and local government officials from prohibiting or restricting any law enforcement entity 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. Also, the appropriation for the Census' Periodic Censuses and Programs account seeks \$7.5 billion in budget authority for the 2020 Census as a cap adjustment pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA). This adjustment is currently not in BBEDCA and the Administration does not support adding it because it is not necessary, and specifically, this is not an unanticipated or emergency spending item. The Administration's FY 2020 Budget request demonstrates that sufficient resources can be provided for the 2020 Census under the current law non-defense cap.

In addition, the Administration also encourages the Committee to minimize the use of budget gimmicks such as the Crime Victims Fund (CVF) change in a mandatory program—or CHIMP. The Administration looks forward to working with the Committee to reform the CVF

to cap receipts going into the fund and to provide predictable and sufficient funding for crime victims and victim services.

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. Vought", written over a printed name.

Russell T. Vought  
Acting Director

cc: The Honorable José Serrano  
The Honorable Robert Aderholt

Identical Letter Sent to the Honorable Kay Granger