



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

June 18, 2019
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 3055 — Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020

(Rep. Lowey, D-NY)

The Administration opposes House passage of H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs, the Department of the Interior, Environment, and Related Agencies, military construction, the Department of Veterans Affairs, and related agencies, and the Departments of Transportation, Housing and Urban Development, and related agencies for the fiscal year (FY) ending September 30, 2020 and for other purposes. The Administration is strongly opposed to the budgetary framework that underlies this and other appropriations bills being considered by the House of Representatives. This framework would raise the discretionary spending caps by more than \$350 billion in fiscal years (FY) 2020 and 2021 and does not reflect either a House-passed budget resolution or a bipartisan, bicameral agreement. It would put the Federal Government on track to add nearly \$2 trillion to deficits over 10 years, adding significantly to the national debt, which is already more than \$22 trillion and rising.

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

Overall, according to the Congressional Budget Office, the bill would appropriate \$321.9 billion, \$25.7 billion, or 8.7 percent, above the FY 2020 Budget request and \$29.8 billion above the FY 2019 enacted level. In addition, this legislation includes a number of particularly problematic provisions implicating key Administration priorities, including provisions that would prohibit the use of FY 2020 or prior-year military construction funding to design, construct, or carry out projects along the southern border; preclude the use of appropriated funds to implement the 2020 Decennial Census questions as submitted to the Congress in March 2018; and prevent the Administration from finalizing key rules at the Departments of Transportation and Housing and Urban Development.

If H.R. 3055 were presented to the President in its current form, his advisors would recommend that he veto it.

The Administration would like to take this opportunity to share additional views regarding the bill.

Division A—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020

Department of Commerce (DOC)

Trade Enforcement. The Administration appreciates the support the bill provides for DOC's International Trade Administration and Bureau of Industry and Security trade enforcement programs. These programs are key parts of the Administration's efforts to address unfair trade practices impacting United States businesses and national security.

Census Bureau. While the Administration is committed to a fair, modern, and accurate 2020 Decennial Census, the bill provides \$1.6 billion more than what is needed for Census's Periodic Programs and Censuses account to support all planned preparation, scale up, and operations anticipated in 2020. In addition, the bill proposes to adjust the non-defense discretionary caps by \$7.5 billion to accommodate the costs of the Decennial Census. The Administration opposes this adjustment as the Decennial Census is neither unanticipated nor an emergency, which is the criteria for other discretionary cap adjustments. The Administration also strongly opposes language in section 534 of the bill that would preclude the use of appropriated funds to implement the 2020 Decennial Census questions as submitted to the Congress in March 2018.

DOC Departmental Management. The Administration is concerned that the bill does not adopt the Administration's proposal to elevate and expand the Office of Space Commerce. Failing to adopt the FY 2020 Budget request to improve space traffic management and situational awareness would weaken the ability of commercial satellites to safely operate in a congested space environment.

DOC Program Eliminations and Savings. The Administration is disappointed the bill continues to fund DOC bureaus and programs proposed for elimination in the FY 2020 Budget request, including the Economic Development Administration, and Sea Grant. The Administration urges the Congress to discontinue funding for these duplicative, unauthorized, and lower priority programs.

Department of Justice (DOJ)

Federal Law Enforcement. The Administration appreciates the \$15.7 billion provided for DOJ's Federal law enforcement components. These resources would support ongoing efforts to address counterterrorism, the opioid crisis, and violent crime.

Executive Office of Immigration Review (EOIR). The Administration appreciates the funding provided to address the pending caseload by enhancing the efficacy and efficiency of EOIR's immigration adjudication programs. However, the Administration objects to section 218 of the bill which would prohibit EOIR from incorporating case completion metrics into individual performance evaluations for immigration judges. The Administration believes that setting case completion goals for Immigration Judges is one important tool to address the system's unacceptable backlog and efficiently manage the docket overall.

Legal Representation Funding. The Administration opposes the establishment of an Immigration Representation Pilot grant program. Such a program may be inconsistent with the policy directive in section 292 of the Immigration and Nationality Act that aliens in removal hearings are not entitled to Government-funded representation.

Combating the Opioid Crisis. The Administration greatly appreciates the resources provided to address the opioid epidemic, including the \$2.8 billion provided for the Drug Enforcement Administration and the \$375 million provided for Comprehensive Addiction and Recovery Act grants. These resources would help to address the opioid crisis in communities across the Nation.

First Step Act. The Administration appreciates that the bill provides \$75 million, the authorized level of funding, to support the historic First Step Act of 2018. The Act puts into place commonsense reforms to make our justice system fairer and help inmates successfully transition back into society. The Administration is committed to fully implementing the Act and would utilize this funding to expand inmate access to evidence-based, recidivism-reducing programs.

Project Safe Neighborhoods (PSN). The Administration is disappointed that the bill fails to provide funding for the PSN program. PSN brings together law enforcement and their communities to develop effective, locally-based strategies to reduce violent crime. 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.

Federal Prisoner Detention. The Administration strongly urges the Congress to fully fund the Federal Prisoner Detention account at the level included in the FY 2020 Budget request. The U.S. Marshals Service (USMS) pre-trial detainee population has increased significantly since April 2017 due to enhanced enforcement of immigration, weapons, and drug offenses. While the USMS has identified and is in the process of implementing cost saving measures in response to the population increases, additional funds are required to adequately support current and anticipated population increases.

Bureau of Prisons. The Administration is disappointed that the bill does not cancel funding for an unnecessary prison project in Letcher County, Kentucky, as proposed by the FY 2020 Budget request. After years of declining inmate populations nationwide, it is wasteful to pursue a facility that is estimated to cost the taxpayers more than \$500 million and continues to be plagued by delays and cost overruns.

Sanctuary Jurisdictions. The Administration urges the Congress to adopt the amendments requested in section 217 of the DOJ general provisions of the FY 2020 Budget. These amendments would clarify that Federal, State, and local governments must comply with immigration detainer requests and authorizes the Department of Homeland Security and DOJ to condition financial assistance on cooperation with Federal immigration enforcement activities and requests.

Firearm Protections. The Administration is concerned that the bill excludes certain second amendment related protections that have been included in prior appropriations acts, such as those

related to the import and export of certain firearms. The Administration urges the Congress to include these provisions.

Crime Victims Fund (CVF). The Administration is disappointed that the bill does not adopt the FY 2020 Budget request proposal to eliminate the use of the CVF change in a mandatory program—or CHIMP. The Administration looks forward to working with the Congress to reform the CVF to eliminate this budget gimmick, limit receipts deposited into the fund, and to provide predictable and sufficient funding for crime victims and victim services.

National Aeronautics and Space Administration (NASA)

NASA Exploration Research and Development. The Administration appreciates the bill's investments in NASA. However, the Administration is 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 Congress to redirect this funding to allow the United States to return astronauts to the Moon by 2024 as an important step on our way to Mars.

National Science Foundation (NSF)

NSF Topline. The Administration is concerned that the bill funds NSF at \$1.6 billion above the level in the FY 2020 Budget request. This unrequested funding undermines the Administration's efforts to rein in non-defense discretionary funding.

Legal Services Corporation (LSC)

LSC Topline. The Administration is disappointed that the bill does not eliminate Federal funding for LSC, which would save the American taxpayer more than \$400 million per year. The Administration seeks to end the one-size-fits-all model of providing legal services through a single grant program by putting more control in the hands of State and local governments which better understand the needs of their communities.

Division B—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020

U.S. Department of Agriculture (USDA)

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The Administration appreciates the \$6 billion funding level provided by the bill for the WIC program, which includes an \$800 million rescission of unobligated balances. This level is sufficient to serve all projected eligible participants.

Agriculture Building and Facilities. The Administration appreciates the bill's support for USDA facilities including modernization and implementation of USDA's OneNeighborhood Initiative in the National Capital Region. The bill provides \$331 million consistent with the FY 2020 Budget request.

Public Law 480 Title II Food Aid (Title II). The Administration opposes providing food aid funding through use of Title II and prefers providing all food aid through the International Humanitarian Assistance account, as proposed in the FY 2020 Budget request, which consolidates overseas humanitarian assistance programs and funding of the Department of State and U.S. Agency for International Development (USAID). While the United States is the world's largest donor of food aid, taxpayers expect such aid to be provided in the most cost-effective manner possible. Title II is cost-inefficient, slow, and limits USAID's ability to use the most appropriate food aid intervention for a particular crisis.

McGovern Dole International Food for Education. The Administration is disappointed that the bill provides \$235 million in funding for the McGovern Dole International Food for Education program, which has been proposed for elimination in every budget request since FY 2018. McGovern-Dole has unaddressed oversight and performance monitoring challenges and is duplicative of USAID programs.

Agriculture Research Agency Relocation. The Administration opposes language in the bill that would prohibit funding that is appropriated to the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) to be used to relocate ERS or NIFA outside the National Capital Region, including language under the ERS and NIFA headings and in sections 755, 758, and 759. Relocation of ERS and NIFA would bring Federal resources closer to the stakeholders which USDA serves. The relocation would improve USDA's ability to attract and retain highly qualified staff with training and interests in agriculture, many of whom come from the land-grant universities dispersed across rural America.

Job Corps Civilian Conservation Centers. The Administration opposes section 780 of that bill that would prevent funds from being used to alter the USDA role in the Job Corps program in any manner. The Administration is pursuing reforms to Job Corps that would allow the USDA Forest Service to better focus on its core natural resource mission and unify program responsibility at the Department of Labor, which would improve efficiency for the disadvantaged youth the program serves. In contrast, section 780 would ensure that funds continue to be spent on low performing Job Corps centers that are failing to meet the needs of students and wasting taxpayer funds.

New Swine Slaughter Inspection System Rule. The Administration opposes section 779 of the bill that would prohibit USDA's Food Safety and Inspection Service from implementing a proposal to modernize the inspection of hog slaughter plants until the Office of the Inspector General reviews the data used to develop the proposed rule.

Commodity Credit Corporation. The Administration is disappointed that the bill does not include language requested in the FY 2020 Budget that would allow USDA to use the Commodity Credit Corporation's third quarter financial statement to provide an interim reimbursement of net realized losses prior to the completion of the FY 2019 financial statement.

Rural Broadband Pilot Program. The Administration appreciates the bill's support for this high priority program that would provide vital broadband infrastructure for rural America. USDA is working to implement the initial \$1.2 billion enacted in FYs 2018 and 2019, most of which is unobligated. The bill provides an additional \$550 million for the rural broadband pilot, while the

FY 2020 Budget only requested an additional \$200 million which the Administration believes is sufficient given the availability of prior year funding.

Rural Housing Loans and Grants. The Administration is disappointed that the bill misses an opportunity to fund mortgage lending in a way that utilizes the private banking industry to provide home loans, through USDA's single family housing loan guarantee program, as the more efficient way to deliver this assistance. In total, the bill provides \$1.7 billion for the USDA's housing programs, which is \$312 million above the FY 2020 Budget request. The bill diverges from the priorities in the FY 2020 Budget request by funding the direct housing loans and grants program at historical levels.

Natural Resources Conservation Service (NRCS). The Administration opposes the \$167 million in unrequested funding provided in the bill for the small, private watershed infrastructure and rehabilitation efforts administered NRCS. While many of these watershed projects were initially constructed with Federal funding, maintenance and rehabilitation of these projects are more appropriately the responsibility of local entities.

Rural Business—Cooperative Service. The Administration proposes to eliminate Rural Business Cooperative Service grant programs in the FY 2020 Budget request. These grant programs have failed to meet goals and are duplicative of private sector assistance. The bill provides \$119 million, \$98 million above the FY 2020 Budget request.

Agricultural Marketing Service (AMS). The Administration is disappointed that the bill provides excessive funding for the AMS without adopting the savings proposed in the FY 2020 Budget request. The bill provides \$68 million above the FY 2020 Budget request for AMS, including unrequested funding for the National Organic Program.

USDA Research Programs. The bill provides \$3.3 billion for research programs, \$425 million above the FY 2020 Budget request. The FY 2020 Budget request targeted research to competitive grant programs while supporting primary research and reducing lower priority duplicative research areas.

Department of Health and Human Services, Food and Drug Administration (FDA)

FDA. The Administration appreciates additional funding provided in the bill to a number of key medical product safety and food safety initiatives, including increases as requested in the FY 2020 Budget to strengthen safety of the Nation's blood supply, compounded drugs, and to improve medical countermeasure development. The bill also includes requested increases to advance FDA's efforts to promote innovation and food safety. The Administration appreciates that the Committee adopted an amendment to restore section 778 of the bill, to protect human embryos by prohibiting FDA from accepting and reviewing any applications involving human embryos that have been intentionally created or modified to include a heritable genetic modification, and strongly urges the Congress to retain this provision in the final bill.

Division C—Department of the Interior, Environment, and Related Agencies
Appropriations Act, 2020

Department of the Interior (DOI)

DOI Topline. The Administration is concerned that the bill would provide \$13.8 billion for DOI, which is \$2.4 billion above the FY 2020 Budget request.

DOI Reorganization. The Administration is concerned that the bill provides no funding to support the reorganization of DOI, an initiative focused on making DOI more efficient and responsive to the public. The Administration strongly opposes efforts to block these important and bold reforms.

Objectionable Energy Language Provisions. The Administration strongly opposes provisions that would block authorized activities that promote America’s energy security. This includes language in section 117 of the bill that would effectively prohibit pre-leasing and other activities in certain areas of the Outer Continental Shelf, and language in section 118 of the bill that would impose arbitrary criteria prior to conducting authorized lease sales in Coastal Plain of the Arctic National Wildlife Refuge.

DOI and USDA, Forest Service

Federal Land Acquisition. The Administration is disappointed that the bill provides \$216 million above the FY 2020 Budget request for Federal Land Acquisition. Adding land to the Federal estate is a lower priority because USDA and DOI already manage roughly 700 million acres of land and the focus should be on addressing the backlog on deferred maintenance.

Forest and Hazardous Fuels Management. The Administration appreciates the hazardous fuels funds provided in the bill to support forest landscape management priorities across both departments. Providing the full requested level of \$644 million would allow the agencies to reduce wildfire risk by treating more areas.

USDA, Forest Service

USDA Forest Service Topline. The Administration appreciates the increased transparency of the revised budget structure reflected in the bill. However, the Administration is concerned that the bill would provide \$3.7 billion for non-wildfire activities at the Forest Service, which is \$891 million above the FY 2020 Budget request.

Environmental Protection Agency (EPA)

EPA Topline. The Administration is concerned that the bill would provide \$9.5 billion for EPA, which is \$3.3 billion above the FY 2020 Budget request. The bill provides significant funding for additional activities and programs that go beyond EPA’s core statutory and regulatory requirements to protect air, land, and water resources, and ensure the safety of chemicals.

Environmental Grants. The Administration continues to recommend reductions to EPA’s State and Tribal Assistance Grants account, which the bill would fund at \$2 billion above the FY 2020 Budget Request. Within this account, the bill provides significant unrequested funding, including support for categorical grants and activities that may go beyond statutory mandates.

EPA’s Science and Technology Account. The Administration continues to recommend reductions to the Science and Technology account, which is funded at \$301 million above the FY 2020 Budget request. Reductions to this account would reduce extramural Federal funding for environmental research and development activities that would more appropriately be funded and conducted by entities outside of the Federal Government.

Other Independent Agencies

National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and the Woodrow Wilson International Center for Scholars (Wilson Center). The Administration is disappointed that the bill does not eliminate or reduce Federal funding for NEA, NEH, and Wilson Center as proposed in the FY 2020 Budget request. The Administration recognizes the positive effects the arts and humanities have on our communities; however the FY 2020 Budget request proposed an orderly phase-out of Federal funding for these agencies, as the Administration does not consider their activities to be core Federal responsibilities.

Division D—Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020

Department of Defense (DOD)

Border Security Funding and Authority. The Administration strongly objects to the bill’s lack of funding for DOD’s border-related military construction requirements and prohibition on the use of FY 2020 or prior-year military construction funding to design, construct, or carry out projects along the southern border. The security and humanitarian crisis at the border is a national emergency, and this funding is vital to build the border barriers needed to help secure and manage the southern border.

Hurricane Relief. The Administration appreciates the bill’s support to fund the replacement or reconstruction of facilities damaged beyond repair by Hurricanes Florence and Michael and also by significant flooding in Nebraska.

Reprioritization of Military Construction Funding to Unrequested Projects. The Administration objects to the bill’s realignment of military construction funding from priority projects to other projects not included the FY 2020 Budget request. Contrary to the Administration’s fiscally responsible policy to fully fund projects, the bill proposes to incrementally fund 20 military construction projects, effectively creating an unfunded obligation of \$1.4 billion needed to fully fund these projects over time. In addition, the bill diverts \$1 billion requested in the FY 2020 Budget to fully fund priority projects, or from rescissions of prior year funds, to other unrequested projects.

Reprogramming Guidelines. The Administration strongly objects to the one percent reprogramming threshold for military construction and family housing projects. This limitation significantly hinders the ability to reprogram funds without prior congressional notice and would subsequently have negative consequences on the timely execution of many projects, which could lead to unnecessary cost increases. Market conditions are changing steadily due to recent events such as hurricanes resulting in increased labor and material costs. The Department would have virtually no flexibility to manage and execute the military construction and family housing programs since a one percent increase would equate to \$550,000, based on the average cost of an FY 2020 construction project, which is \$55 million.

Detention Facilities at Naval Station Guantanamo Bay. The Administration objects to the bill's lack of funding for the high-value detention facility replacement at Naval Station Guantanamo Bay.

Department of Veterans Affairs (VA)

Discretionary Funding and VA MISSION Act of 2018. The Administration appreciates the bill's robust funding level of \$94.3 billion in discretionary appropriations for the Department of Veterans Affairs (VA). This level fully supports the Administration's highest priorities for veterans' programs, including implementation of the VA MISSION Act of 2018. However, the Administration understands that the House Majority would like to provide funding related to the VA MISSION Act of 2018 outside of the statutory non-defense discretionary spending cap, which the Administration would strongly oppose. All funding for the VA MISSION Act of 2018 should be included within the FY 2020 non-defense discretionary cap.

Division E—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020

Department of Transportation (DOT)

Capital Investment Grants (CIG). The Administration opposes policy provisions, as well as overly prescriptive administrative provisions, that contravene the current law, regulations, and guidance of the CIG program. The Administration believes that funding allocations should be made based on defined criteria and that the directives in the bill that affect local cost share, contingency funding requirements, and pre-determination of project award selection would cause taxpayers to assume more risk for complicated, multiyear projects.

Amtrak. The Administration is disappointed the bill continues the status quo, providing \$2 billion for all Amtrak operations, including its highly inefficient long-distance trains. The Administration believes that there is a real opportunity to reform and improve Amtrak service across the United States. The FY 2020 Budget request would leverage the Restoration and Enhancements grant program to begin a collaborative process with stakeholders to undertake a multi-year process to restructure the network, which has not markedly changed in over 40 years.

DOT Rulemaking Prohibitions. The Administration strongly objects to provisions prohibiting DOT from finalizing vital regulations, particularly section 145 of the bill, which would prohibit the National Highway Traffic Safety Administration (NHTSA) from finalizing or enforcing the

Safer Affordable Fuel-Efficient Vehicles Rule which has the potential to save more than 12,700 lives and save society more than \$250 billion. In addition, the Administration strongly objects to efforts to limit DOT from finalizing and enforcing hours of service regulations to ensure the safe and efficient operation of commercial vehicles on the Nation's roads.

California High Speed Rail. The Administration objects to section 192 of the bill that would prohibit DOT from terminating, de-obligating, and requiring repayment of expended funding under grant agreements with the California High Speed Rail Authority (CHSRA) in effect on the date of enactment of the act. The responsibility for grant oversight and management should remain with DOT, including any potential resulting action the Department may need to take as steward of Federal funds in its review of CHSRA's grant agreement for \$2.5 billion in funding provided by the American Recovery and Reinvestment Act of 2009.

Essential Air Service (EAS). The Administration is disappointed that the bill did not include the Administration's FY 2020 Budget proposals to reform the EAS program at DOT. The Administration believes that common-sense, modest reforms can be implemented to control costs, while ensuring that truly remote communities receive air service.

Transportation Infrastructure Finance and Innovation Act (TIFIA) Non-Federal Project Share. The Administration opposes language in the bill that could eliminate the requirement for TIFIA-supported projects to be funded at least 20 percent by non-Federal assistance. The language could impede TIFIA's effectiveness in leveraging Federal resources to generate non-Federal investment, and could increase the default risk of projects.

Department of Housing and Urban Development (HUD)

Rental Assistance Programs. The Administration is disappointed that the bill provides \$45.1 billion, \$7.1 billion above the FY 2020 Budget request, for HUD's rental assistance programs. The bill continues to reflect the status quo and does not adopt the FY 2020 Budget's proposed legislative reforms to Housing Choice Vouchers, Project-Based Rental Assistance, Public Housing, and Housing for the Elderly and Persons with Disabilities. The Administration's proposal includes uniform work requirements, as well as offers public housing authorities, private property owners, and HUD-assisted families a simpler and more transparent set of rent structures to reduce administrative burden, incentivize work, and place HUD's rental assistance programs on a more fiscally sustainable path.

Proposed Grant Eliminations. The Administration opposes the \$3.6 billion provided in the bill for the Community Development Block Grant program, as the program is not well-targeted to the most distressed areas and has not demonstrated measurable impacts on communities. The Administration also opposes the \$1.8 billion provided in the bill for the HOME Investment Partnerships Program because State and local governments can more effectively address the unique market challenges, local regulations, and impediments that lead to housing affordability problems for households across the Nation. In addition, the Administration opposes the \$300 million provided in this bill for Choice Neighborhoods since State and local governments are better positioned than the Choice Neighborhoods program to fund locally driven strategies for neighborhood revitalization. In total, these eliminations would save \$5.7 billion in FY 2020, which could be directed to higher priority needs.

HUD Rulemaking Prohibitions. The Administration objects to section 234 of the bill that would prevent HUD from proceeding with the proposed rule to align HUD’s regulations for housing assistance to current law, which prohibits persons other than United States citizens and other eligible noncitizens from receiving HUD rental assistance. Section 236 of the bill would also prevent HUD from proceeding with the proposed rule to allow grantees participating in programs which permit single-sex facilities to have greater flexibility in establishing their own policies, consistent with State and local laws. In addition, section 237 of the bill would statutorily codify an outdated guidance notice on this subject. The Administration opposes such provisions as they would impede the Administration’s rulemaking process and authority.

Division F—Fair Compensation for Low-Wage Contractor Employees Act of 2019

The Administration opposes division F of the bill, which provides back pay for contractors during a lapse in appropriations. While contractors play an important role in helping Government agencies meet their missions, this legislation ignores important principles of Federal contracting, and would lead to increased cost and a significant increase in the risk of fraud, waste, and improper payment. The Administration anticipates significant, disruptive, and costly challenges in trying to force-fit the requirements of contractor back-pay legislation into an acquisition system that is not designed or equipped to manage contractor employees, making it difficult, if not impossible, to meet the dual goals of paying quickly and paying accurately.

Constitutional Concerns

Certain provisions of the bill raise constitutional concerns. For instance, certain provisions would interfere with the President’s constitutional authority and duty to protect national security, as well as his authority as Commander in Chief. Another provision would violate the Recommendations Clause of the Constitution while other provisions would intrude upon the President’s constitutional authority over international diplomacy. Other provisions would contravene the constitutional separation of powers between the Executive Branch and the Congress, and another could infringe on the President’s constitutional authority to control the disclosure of information that is subject to executive privilege. The Administration looks forward to working with the Congress to address these concerns.

The Administration looks forward to working with the Congress as the FY 2020 appropriations process moves forward.

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