



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

June 3, 2013
(House Rules)

STATEMENT OF ADMINISTRATION POLICY
H.R. 2217 — Department of Homeland Security Appropriations Act, 2014
(Rep. Rogers, R-KY)

The President is committed to supporting homeland security operations, strengthening the Nation's preparedness and response to natural disasters, and funding other important priorities within a budget framework that strengthens our economy and advances middle-class priorities. The Administration believes H.R. 2217, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes, funds critical priorities, and looks forward to working on its provisions as part of an acceptable budget framework.

However, enacting H.R. 2217, while adhering to the overall spending limits in the House Budget's topline discretionary level for fiscal year (FY) 2014, would hurt our economy and require draconian cuts to middle-class priorities. These cuts could result in hundreds of thousands of low-income children losing access to Head Start programs, tens of thousands of children with disabilities losing Federal funding for their special education teachers and aides, thousands of Federal agents who can't enforce drug laws, combat violent crime or apprehend fugitives, and thousands of scientists without medical grants, which would slow research that could lead to new treatments and cures for diseases like cancer and Alzheimer's, and hurt America's economic competitiveness.

Prior to consideration of appropriations bills the Congress should complete an appropriate framework for all the appropriations bills. More than a month has passed since the deadline for action and the Congress has yet to appoint conferees and agree on a budget resolution.

Unless this bill passes the Congress in the context of an overall budget framework that supports our recovery and enables sufficient investments in education, infrastructure, innovation and national security for our economy to compete in the future, the President's senior advisors would recommend that he veto H.R. 2217 and any other legislation that implements the House Republican Budget framework.

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

Disaster Relief Funding. The Administration appreciates the Committee's funding level for the Disaster Relief Fund, including \$595 million for base program activity and \$5.6 billion provided as a disaster relief cap adjustment made pursuant to the Budget Control Act of 2011.

U.S. Customs and Border Protection (CBP). The Administration is disappointed that the Committee does not fully fund the President's request for 1,600 new Customs and Border

Protection officers and does not include a provision allowing for additional officers through increased customs and immigration inspection user fees. The addition of these officers to the CBP workforce would promote travel and tourism by reducing wait times for travelers and cargo entering the country, in turn stimulating domestic employment and strengthening the economy.

Cybersecurity. The Administration appreciates the Committee's continued support for important Federal cybersecurity initiatives, including the EINSTEIN program and continuous monitoring of Federal networks for malicious cyber activity.

Transportation Security Administration. The Administration objects to the bill's failure to reform the aviation passenger fee as proposed in the President's FY 2014 Budget.

National Bio and Agro-Defense Facility (NBAF). The Administration objects to incremental funding of the NBAF project. NBAF is anticipated to be a national asset critical to the protection of the Nation's food supply. The partial funding provided in the bill will delay construction of NBAF, increase project costs, and leave a significant vulnerability unaddressed. Long-standing procurement policy prohibits incremental funding because it undermines program stability and runs counter to sound budgeting principles and fiscal discipline.

U.S. Immigration and Customs Enforcement (ICE). The Administration appreciates the support provided for investigations of human trafficking and intellectual property rights violations. However, the Administration opposes the Committee's decision to fund 2,200 unrequested detention beds. The Administration encourages the Congress to focus detention capabilities on priority and mandatory detainees, while continuing to increase support for ICE's Alternative to Detention program, which has consistently helped to ensure low-risk individuals in removal proceedings appear for hearings and comply with removal orders at a lower per-day cost than detention. The Administration also objects to the funding provided above the FY 2014 Budget request for the 287(g) program, since Secure Communities is more consistent, efficient, and cost-effective in identifying and removing criminal and other priority aliens than the 287(g) program, and has been deployed nationwide.

U.S. Coast Guard. The Administration objects to incremental funding for Coast Guard acquisition of National Security Cutter (NSC)-7 and NSC-8 and rescinding FY 2013 appropriations for shore support needs for NSC-6. Although the Administration supports Coast Guard's acquisition of NSC-7, long-standing procurement policy prohibits incremental funding because it undermines program stability and runs counter to sound budgeting principles and fiscal discipline.

Departmental Management. The Administration opposes the lack of funding for the Department of Homeland Security (DHS) headquarters consolidation project, which will delay the development and occupancy of the St. Elizabeths campus.

Civilian Pay Raise. The Administration urges the Congress to support the proposed 1.0 percent pay increase for Federal civilian employees. As the President stated in his FY 2014 Budget, a permanent pay freeze is neither sustainable nor desirable.

State and Local Grant Programs. The Administration appreciates that the Committee continues to provide some flexibility to the Secretary of Homeland Security to award grants, as authorized

in FY 2013, and encourages the House to adopt all of the flexibilities requested in the President's FY 2014 Budget for the National Preparedness Grant Program (NPGP).

Prohibition on Immigration from Brazil. The Administration objects to a provision in the bill that seeks to prohibit legal immigration from Brazil. The punitive language prevents the processing of family- and employment-sponsored immigration petitions as well as for any humanitarian applications such as for asylum, refugee status, or Violence Against Women Act-related immigration protection.

Abortion-Related Provisions. The Administration strongly opposes sections 564, 565, and 566 of the bill that purport to limit the use of Federal funds for providing or facilitating abortion services. Longstanding Federal policy prohibits Federal funds from being used for these services, except in cases of rape, incest, or when the life of the woman would be endangered. Current DHS practice does not compel employees to perform or facilitate them, or permit Federal funds to be used to acquire these services except in cases where a pregnancy is the result of rape, incest, or threatens the life of the woman.

Constitutional Concerns

The Administration strongly objects to and has constitutional concerns about the provisions of section 533 that limit the use of funds to transfer detainees and otherwise restrict detainee transfers. Although the Administration opposes the release of detainees within the United States, section 533 undermines our national security and raises significant separation of powers concerns. This provision unnecessarily constrains the Nation's counterterrorism efforts, particularly where Federal courts are the best – or even the only – option for incapacitating dangerous terrorists. For decades, presidents of both political parties have leveraged the flexibility and strength of this country's Federal courts to incapacitate dangerous terrorists and gather critical intelligence. The continued prosecution of terrorists in Federal court is an essential element of counterterrorism efforts – a powerful tool that must remain an available option. Such restrictions or interferences would, in certain circumstances, violate constitutional separation of powers principles.

Additionally, Section 512 purports to prevent funds from being used to exercise supervisory control over preparation of certain reports by the Privacy Officer of the Department of Homeland Security. This provision implicates separation of powers concerns by imposing a potentially material practical burden on the President's effective supervision and management of the Executive Branch. The Administration urges that it be deleted.

The Administration looks forward to working with the Congress as the FY 2014 appropriations process moves forward.

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