J. WEINBERG, LEG. CLEARANCE @ OMB

The U.S. Legislative Process (The Administration's Perspective)

Proposal by the Administration

Goals and Principles (prepared by White House staff or Department) or Draft Bill (prepared by lead Department) [Cleared by the Office of Management and Budget (OMB)]

Transmitted to the Congress by the President or the Secretary of the Lead Department

House of Representatives

H1: Draft bill introduced by a Representative (Sponsor and cosponsors)

H2: Bill is referred to one or more Committees with subject matter jurisdiction

H3: Bill may be considered by Subcommittee of by full Committee

H4: Hearings with expert witnesses, including testimony by one or more policy officials of the Administration [Draft testimony is cleared by OMB]

H5: Markup – Consideration of bill line-by-line with specific amendments. Administration may provide talking points or a views letter proposing amendments [Draft talking points/letter is cleared by OMB]

H6: Amended bill is reported by the Committee

H7: Bill is referred to the Rules committee – Rule issued governing House floor consideration

H8: Floor consideration scheduled by speaker/Majority leader. Administration may issue a Statement of Administration Policy (SAP) expressing its position on the bill [Draft SAP is cleared by OMB]

Senate

S1: Draft bill introduced by a Senator (Sponsor and cosponsor)

S2: Bill referred to one or more Committees with subject matter jurisdiction

S3: Bill may be considered by Subcommittee or by full Committee

S4: Hearings with expert witnesses, including testimony by one or more policy officials of the Administration [Draft testimony is cleared by OMB]

S5: Markup – Consideration of bill line-by-line with specific amendments. Administration may provide talking points or a views letter proposing amendments [Draft talking points/letter is cleared by OMB]

S6: Amended bill is reported by Committee

S7: Floor Consideration scheduled by Majority Leader – proceed by unanimous consent or if controversial need 60 votes to stop debate and proceed to a vote. Administration may issue a SAP expressing its position on the bill [Draft SAP is cleared by OMB]

Conference: between Members of the House and Senate to resolve differences between the House-passed and Senate-passed bills and agree on one version. Administration may transmit a views letter to conferees [Draft letter is cleared by OMB]

Agreed upon conference version is returned to House and Senate for passage

Enrolled bill – printed on parchment and signed by Speaker of the House and Vice President (as President of the Senate) or President Pro Tempore of the Senate

Enrolled bill is delivered to the White House. Under the Constitution, the president has 10 days (excluding Sundays) from receipt of the enrolled bill at the White House to decide whether or not to veto it [Enrolled bill memo is prepared by OMB for the President]

If enrolled bill is vetoed, it is returned to the House where it originated with a veto message, as required by the Constitution [Draft veto message is cleared by OMB]. Leadership of House and Senate decide whether or not to schedule a vote to override the veto.

If enrolled bill is approved, decision is made whether or not to have a signing ceremony and whether or not to issue a signing statement [Draft signing statement is cleared by OMB]

Approved bill is given a Public Law number (P.L. 110-123)

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Regulations – lead Department prepares draft regulations to implement the law [if the regulations are determined to be "significant," the draft regulations are required to be submitted to OMB for review before they are published for comment and again before final issuance]

Waivers – lead Department may be authorized by the law to issue waivers from certain of if its requirements, if requested by State [Waiver requests are reviewed by OMB]

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Executive Orders- Proposed Executive Orders are reviewed by OMB and the Department of Justice.

Prepared by Jeffrey Weinberg

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

July 15, 2009
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 1390 – National Defense Authorization Act for Fiscal Year 2010
(Sen. Levin, D-Michigan, and Sen. McCain, R-Arizona)

The Administration supports Senate passage of S. 1390, the National Defense Authorization Act for Fiscal Year 2010. The Administration appreciates the Senate Armed Services Committee's continued strong support of our national defense, including its support for the Department's topline budget requests for both the base budget and for overseas contingency operations.

The Administration appreciates, among other things, the leadership of the Committee in supporting many of the President's initiatives to terminate or reduce programs that have troubled histories or that failed to demonstrate adequate performance when compared to other programs and activities needed to carry out U.S. national security objectives. In addition, the Administration appreciates that the Committee included some authorities that are important to field and combatant commanders, such as the Commanders' Emergency Response Program, the Security and Stabilization Assistance program, and the extension of Contingency Construction Authority.

The Administration believes that the Committee has identified many of the key elements that need to be changed in the existing law with respect to military commissions in order to make the commissions an effective and fair system of justice, and looks forward to continuing its close cooperation with the Congress to further refine any issues of potential concern.

While there are many areas of agreement with the Committee, the Administration nonetheless has serious concerns with a number of provisions that could constrain the ability of the Armed Forces to carry out their missions, depart from the President's Fiscal Year 2010 Budget, which carefully balanced fiscal constraints, program performance, strategic needs and capabilities, or raise other issues. The Administration looks forward to working with the Congress to address these concerns, some of which are outlined below, and to refine this legislation to align it more closely with national defense priorities.

F-22 Procurement: The Administration strongly objects to the provisions in the bill authorizing $1.75 billion for seven F-22s in FY 2010. The collective judgment of the Service Chiefs and Secretaries of the military departments determined that a final program of record of 187 F-22s is sufficient to meet operational requirements. As the President wrote in his letter to the Chairman and Ranking Member of the Senate Armed Services Committee on July 13, if the final bill presented to him contains this provision, the President will veto it.

F-35 Joint Strike Fighter (JSF) Program: The Administration strongly objects to the addition of $438.9 million for development of the alternative engine program. The Administration also objects to provisions of the bill that mandate an alternative engine program for the JSF. The current engine is performing well with more than 11,000 test hours. In addition, the risks

associated with a single engine provider are manageable as evidenced by the performance of the F-22 and F/A-18E/F, Air Force and Navy programs supplied by a single engine provider. Expenditures on a second engine are unnecessary and impede the progress of the overall JSF program. The Air Force currently has several fleets that operate on a single-engine source. The Administration also objects to the limit on the obligation of overall JSF development funding to 90 percent of the amount authorized until the Secretary of Defense submits a written certification that sufficient funds have been obligated in FY 2010 for the alternative engine program. If the final bill presented to the President would seriously disrupt the F-35 program, the President's senior advisors would recommend a veto.

Interrogation Duties: The Administration objects to section 823 in its current form, which would prohibit contractor personnel from interrogating persons detained during or in the aftermath of hostilities under any circumstances. In some limited cases, a contract interrogator may possess the best combination of skills to obtain critical intelligence and this provision, therefore, could prevent U.S. Forces from conducting lawful interrogations in the most effective manner. The Administration fully supports the application of ordinary Defense Department rules and regulations to contractors engaged in interrogations (as contemplated in subsection (a)(2) of the current section 823), and could support a revised version of the section that would apply such provisions to contractors who participate in interrogations. The Administration also would object to any amendment requiring video recording of all intelligence interrogations. Although the Administration is open to studying a possible video recording requirement, implementing a mandatory requirement at this time would be imprudent, unduly burdensome, and could risk significant unintended consequences in current and future military operations.

Pakistan Counterinsurgency Fund: The Administration objects to the requirement in section 1517(a)(2) for a report to Congress prior to use of the funds. This reporting and determination requirement (which includes matters that may be beyond the Secretary of Defense's purview) would delay the release of vital funds for Pakistan's counterinsurgency efforts. It also duplicates other reporting requirements in section 1116 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), which require extensive justification and are due at a later date.

Building Partnership Capacity: The Administration urges the inclusion of its proposals to build the capacity of partner-nation special and conventional forces in order to enhance and increase coalition participation in Afghanistan and Iraq. These initiatives will directly reduce the pressure on U.S. forces. These limited, one-year proposals, developed in close partnership with the Department of State, are necessary for timely implementation of the Administration's new Afghanistan policy. Without these authorities, the United States would lose precious time in increasing the capacity and participation of our partners in that conflict and put additional U.S. personnel at risk.

Future Combat Systems: The Administration objects to the removal of $324 million for Future Combat Systems (FCS) Manned Ground Vehicles and $58 million for Non-Line of Sight Cannon termination costs. The termination costs for FCS Manned Ground Vehicles cannot be fully paid with FY 2009 funds.

Strategic Airlift Force Levels: The Administration objects to provisions in the bill that prohibit retirement of strategic airlift aircraft. The Department assesses aircraft requirement based on capability, not aircraft numbers. A restriction not tied to an airlift requirement will drive unnecessary costs and reduce the efficiency of the overall fleet. The restriction impairs the

EXECUTIVE OFFICE OF THE PRESIDENT
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November 13, 2017
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

Substitute Amendment to H.R. 2874 – 21st Century Flood Reform Act
(Rep. Duffy, R-WI)

The Administration supports House passage of the substitute amendment to H.R. 2874, the 21st Century Flood Reform Act. This legislation ensures timely reauthorization of the National Flood Insurance Program (NFIP) and takes important steps towards common-sense reform.

The Administration endorses provisions of the bill that amend the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 to expand the private flood insurance market by removing barriers that prevent policyholders from switching between private and Federal flood insurance, and by allowing private flood insurance companies to sell both Federal and private flood insurance. Additionally, the bill would strengthen the financial outlook of the NFIP by authorizing the program to build up its reserves to pay for future catastrophic flooding events. H.R. 2874 would require the Federal Emergency Management Agency (FEMA) to make certain flood risk and claims data publicly available, while protecting personally identifiable information. Finally, the bill would require property owners to disclose a property's history of flooding as part of a real estate transaction.

The Administration appreciates the intent behind H.R. 2874, which is to encourage better risk management by the NFIP through the incremental phase-out of certain subsidized policies. The Administration continues to support more immediate accounting for past repeated flood claims as well as additional measures to expand the private flood insurance market, such as by phasing out the availability of Federal flood insurance for newly constructed buildings and commercial buildings, and by encouraging private risk pooling through reforms to existing law. Further, the Administration believes that FEMA should retain its current authorities to adjust and increase premiums on properties that should transition to risk-based rates.

Finally, the Administration notes enactment of the requested debt cancellation for the NFIP in H.R. 2266, the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017. To avoid future taxpayer bailouts of the NFIP, the Administration urges the Congress to pass the substitute amendment to H.R. 2874 and to continue pursuing reforms that will put the program on a more sound and sustainable financial footing.

If the substitute amendment to H.R. 2874 were presented to the President in its current form, his advisors would recommend that he sign the bill into law.

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Levels of Veto Threats

Presidential veto threat

The President will veto...

Senior advisors veto threat

The President's senior advisers will recommend that he veto...

(Note: "Senior advisers" is not defined.)

Cabinet Secretary/Agency head veto threat

The Secretary of [Department]/The Administrator of [Agency] will recommend that the President veto...

Combination of one or more Department/Agency heads and the President's other senior advisors

The Secretary of [Department] or The Secretaries of [Departments] and the President's other senior advisors will recommend that the President veto

Other sources of veto threats

White House Chief of Staff

National Security Advisor/National Security Council Staff