To expand communications between Washington and California, the California Institute provides periodic news bulletins regarding current activity on Capitol Hill and other information that directly impacts the state. Bulletins are published weekly during sessions of Congress, and occasionally during other periods.

### Appropriations: House and Senate Set Differing 302(b) Allocations

The House Appropriations Committee approved its 302(b) allocations on April 25, 2012, using as expected the House-passed budget total of $1.028 trillion to divvy up the spending among the 12 appropriations bills for FY13. The Senate Appropriations Committee approved its 302(b) allocations on April 19th, using the $1.047 trillion limit set as part of the debt ceiling deal agreed to in August (P.L. 112-25). That leaves the two bodies $19 billion apart as the appropriations season starts up.

Among the major differences is the amount allocated to Defense spending. The Senate allowed $511.16 billion for defense, whereas the House set the number at $519.2 billion – a billion dollar increase over FY12 spending. In part to compensate for the additional Defense spending, the House set State and Foreign Operations funding at $40.1 billion, versus the $49.84 billion level set by the Senate committee.

The House Labor, Health and Human Services and Education spending is also significantly lower than the Senate number – $150 billion in the House allocation compared to $158.7 billion in the Senate.

Other differences include:
- Commerce, Justice, Science, and Related Agencies – Senate: $51.862 billion; House: $51.131 billion
- Transportation-HUD – Senate: $53.438 billion;

House: $51.606 billion
- Energy-Water – Senate: $33.361 billion; House: $32.098 billion
- Homeland Security – Senate: $45.249 billion; House: $39.117 billion
- Interior-Environment – Senate: $29.662; House: $28.000 billion

The differences between the two bodies spending limits will have to be resolved somehow before the FY13 spending can be finalized. To further complicate the negotiations to come, President Obama has indicated he would veto any spending bill that does not comply with the funding level set in the debt limit deal.
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To obtain the complete 302(b) allocations of the two committees go to:
http://www.appropriations.senate.gov/news.cfm?method=news.view&id=04379cc9-1cef-493b-9cc5-cc6b4e7c2d45 for the Senate, and

**APPROPRIATIONS: SENATE COMMITTEE APPROVES FY13 TRANSPORTATION AND HOUSING FUNDING**

On April 19, 2012 the Senate Appropriations Committee approved its FY13 appropriations bill for Transportation, Housing and Urban Development, and Related Agencies by a vote of 28-1.

As passed, the budget authority for the bill would be $53.4 billion, while total funding would be $105.5 billion. Enacted levels for FY12 were $57.3 billion and $109.4 billion, respectively. Total funding includes limitations on obligations related to programs funded by the Highway Trust Fund.

Highlights of the bill include funding for the following:

**Transportation**
- Significant Transportation Projects ("TIGER" program): $500 million, with no less than $120 million for projects in rural communities.
- Highway Investments: $39.1 billion for the annual Federal-aid Highway program.
- Rail Investments: $1.75 billion for rail infrastructure, of which $1.45 billion is for Amtrak. Of the total amount provided, $100 million is for the High Performance Passenger Rail grant program.
- Transit Investments: $2.044 billion for the transit "New Starts" public transportation program.
- Airport Investments: $3.35 billion for capital investments at airports across the country.
- Air Transportation Modernization: $956 million for the FAA's NextGen program to modernize the nation's air traffic control system.
- Automobile Safety: $809 million for vehicle and driver safety programs.
- Pipeline and Hazardous Materials Safety: Includes $195 million to support pipeline and hazardous materials safety programs, including pipeline safety research and grants for state pipeline safety programs.
- Aviation Safety: $1.04 billion is provided to support the FAA's aviation inspector workforce.

**Housing and Urban Development**
- Section 8 Tenant-based rental assistance: $19.4 billion for housing choice vouchers, including $17.5 billion for the renewal of current housing choice vouchers and $1.58 billion for program administration. Also included in this figure is $75 million for 10,000 new HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers and $60 million for the Family Self-Sufficiency program.
- Public Housing: $1.99 billion for the public housing capital fund, to help maintain public housing.

The bill also includes $4.6 billion for the public housing operating fund
- Project-based rental assistance: $9.8 billion for the project-based section 8 program, including over $9.6 billion for the renewal of all project-based contracts for a full 12 months.
- Homeless Assistance grants: $2.15 billion for homeless assistance grants, including at least $286 million for the Emergency Solutions Grant program.
- Native American housing block grants: $650 million for Native American housing block grants.
- Community Development Block Grants (CDBG): $3.1 billion is provided
- HOME Investment Partnership: $1 billion for the HOME Investment Partnership program.
- Housing Counseling: A total of $135 million for housing counseling efforts. This includes $55 million for HUD's housing counseling activities, including Home Equity Conversion Mortgage (HECM) counseling and pre-purchase counseling. In addition, $80 million is included to continue the National Foreclosure Mitigation Counseling program.
- Sustainable Communities Initiative: $50 million within HUD's Community Development Fund for the Sustainable Communities Initiative.
- Choice Neighborhoods: $120 million for HUD's Choice Neighborhoods Initiative. This initiative will expand the HOPE VI program.

For more information, including the bill language, report, and summary, see: http://www.appropriations.senate.gov/news.cfm?method=news.view&id=bbed8db5-dd2d-4933-8e2a-212376e40597.

The California Institute will prepare a more detailed analysis of the bill in the near future.

APPROPRIATIONS: SENATE AND HOUSE COMMITTEES APPROVE FY 13 COMMERCE, JUSTICE, SCIENCE FUNDING

By a vote of 28-1 on April 19, 2012, the Senate Appropriations Committee approved its FY 2013 funding bill for the Departments of Commerce and Justice, and for Science (S. 2323). The legislation provides a total of $51.862 billion in proposed discretionary budget authority, a reduction of $1 billion below the fiscal year 2012 enacted level.

Highlights of the funding in the bill include:

Department of Commerce
The bill provides $6.3 billion total, which is $1.5 billion below the fiscal year 2012 level.
- Patent and Trademark Office is funded at $2.93 billion, and allows the agency to spend all of its expected fee revenue for fiscal year 2013. The bill continues the reserve fund authorized by the America Invents Act.
- International Trade Administration is funded at $496 million, $31 million more than the fiscal year 2012 enacted level.
- Economic Development Administration is funded at $238 million, $20 million below fiscal year 2012. Economic Development Assistance Programs are funded at $200 million, including $25 million for Regional Innovation Partnerships.

Department of Justice
The Department of Justice is funded at $27.9 billion, $458 million above the fiscal year 2012 level.
- State and Local Law Enforcement Activities are funded at $2.2 billion, $26.1 million below the fiscal year 2012 enacted level, for grants to aid local and state law enforcement and crime victims. Specifically, the bill provides:
  - $1 billion for State and Local Law Enforcement Assistance, which includes Byrne formula grants, State Criminal Alien Assistance Program (SCAAP) funding, bulletproof vest grants, and DNA analysis grants. SCAAP funding is set at $255 million; the House Appropriations bill sets a level of $165 million. FY12 funding was $240 million;
  - $248 million for Community Oriented Policing Services (COPS) grants, including $215 million to hire or retain roughly 1,700 police on the beat; and
  - $278 million for juvenile justice and delinquency prevention;

Science
- NASA is funded at $19.4 billion, $1.6 billion more than the FY12 level. Commercial Crew funding is set at $525 million, and the Orion Crew Exploration Vehicle is funded at $1.2 billion.
- The **National Science Foundation** is funded at $7.3 billion, an increase of $240 million over FY12.

  On the House side, the Appropriations Committee approved its CJS bill on April 26, 2012 by voice vote. The bill provides $51.1 billion for FY 2013, about $1.8 billion below the FY12 funding and $800 million less than the Senate’s FY13 bill. The full House is expected to consider the bill on May 8, 2012. For details on the bill, see last week’s Bulletin at: [http://www.calinst.org/bul2/b1911.shtml#TOC1_2](http://www.calinst.org/bul2/b1911.shtml#TOC1_2).

  The California Institute will provide a more detailed analysis of both the House and Senate bills from a California perspective in the near future.


**APPROPRIATIONS: HOUSE COMMITTEE PASSES ENERGY AND WATER FY13 SPENDING BILL**

On Wednesday, April 25, 2012, the House Appropriations Committee passed the FY13 appropriations bill for Energy and Water Development, and Related Agencies by voice vote. The bill includes limited funding increases for federal water and energy programs. While the bill is $88 million above fiscal year 2012 levels, the appropriations remains $965 million below the Administration's FY 2013 request. The entire bill would authorize the spending of a total of $32.1 billion.

  The bill authorizes $26.3 billion for the Energy Department, a $358 million reduction from FY2012 and $1.8 billion below the President's request. The bill provides a total of $11.3 billion for nuclear security. This is a $275 million increase from last year. While funding for nuclear security would increase, "green" energy programs related to efficiency and renewables would be cut by $1.5 billion.

  The bill supports research programs focused on the causes and effects of high gas prices. It would provide $1 billion for this purpose, a $36 million increase from FY12 levels. In addition, the bill funds $554 million for energy research on fossil sources. Part of this funding – $25 million – would go to shale oil programs.

  The Committee approved an amendment during markup which provides legislative direction to make clear the reach of a federal law dealing with water pollution. According to the Committee, this "amendment prohibits funding for the Army Corps to develop or implement new guidance to expand the scope of federal jurisdiction under the Clean Water Act" (CWA, PL 95-217). Confusion over the reach of the CWA stems from many factors. The Army Corps and the Environmental Protection Agency (EPA) released guidelines last year, which are still under review at the Office of Management and Budget. This came after two Supreme Court decisions in the last decade, which effectively restricted what bodies of water were considered protected under the law, and how narrow the law's scope should be. The amendment limiting the Army Corps' jurisdiction was approved by a 29-20 vote. It is similar to language approved in last year's House Energy-Water appropriations bill, but which was struck in the 2012 omnibus. A second amendment is expected to be offered later this year by Rep. Mike Simpson (ID), which would limit the EPA's ability to expand the scope of federal jurisdiction of the law.

  The bill would also fund:

- The Army Corps of Engineers at a level of $4.8 billion, which reflects a $188 million decrease from current levels but is actually an $83 million increase above the President's request.
- The Bureau of Reclamation at $967 million.
- The Advanced Research Projects Agency-Energy at $200 million.
- The Office of Science at $4.8 billion, about $72 million below fiscal year 2012 and $191 million below the Administration’s budget request.
- Fusion Energy Sciences at $474.6 million, $72.4 million above fiscal year 2012 and $76.3 above the request. The recommendation includes $178 million for the United States contribution to ITER, the international collaboration to construct the world’s first self-sustaining experimental fusion reactor – $73 million above fiscal year 2012 and $28 million above the budget request.
- Basic Energy Sciences at $1.66 billion, about $37 million below fiscal year 2012 and $142.5 million below the Administration’s request.


**HEALTH: SENATE HELP APPROVES FDA USER FEE REAUTHORIZATION**

The Senate Health, Education, Labor and Pensions Committee on April 25, 2012 reported by voice vote a five year reauthorization of Food and Drug Administration programs that allow the collection of user fees from corporations in order to expedite the approval process for pharmaceuticals and medical devices. The bill, as yet unnumbered, also authorizes for the first time user fee programs for generic drugs and generic biologic drugs.

The Committee also unanimously approved a Manager’s Amendment offered by Chairman Tom Harkin (IA) and Ranking Member Mike Enzi (WY). Included in the amendment was language permanently reauthorizing two programs that encourage companies to conduct pediatric studies on their products.

During the markup, the Committee rejected an amendment, 9-12, that would have allowed the purchase of prescription drugs from approved Canadian pharmacies.

The House Energy and Commerce Committee postponed the markup of its user fee reauthorization bill until May 8th, while it attempts to garner broader bipartisan support. The current authorization for the programs expires on October 1, 2012.

For a summary of the Senate’s bill, go to: http://www.help.senate.gov/imo/media/audio/042312_Manager%27s_%20FDASIA_Final_Sec_by_Sec.pdf.

**HOMELAND SECURITY: HOUSE SUBCOMMITTEE HOLDS HEARING ON CYBERSECURITY**


Witnesses included: Mr. Shawn Henry, Former Executive Assistant Director, Criminal, Cyber, Response, and Services Branch, Federal Bureau of Investigation (FBI); Mr. James Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies; Mr. Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office (GAO); Mr. Stuart McClure, Chief Technology Officer, McAfee; and, Dr. Stephen E. Flynn, Founding Co-Director, George J. Costas Research Institute for Homeland Security, Northeastern University.

Subcommittee Chairman Michael McCaul (TX) focused the hearing on the urgency of addressing cybersecurity problems, stating: "Every day nations and 'hacktivist' groups penetrate our public and private computer networks. The degradation of our national security and intellectual property from cyber theft threatens to weaken us where we have been historically strong: in our ingenuity and creativity."

Issues discussed at the hearing included:
- The increasing skill and ability of hackers to target more "profitable" groups and successfully avoid security measures and law enforcement, beyond obtaining normal Personally Identifiable Information (PII), which includes online banking/brokerage account credentials and credit card numbers of individuals and businesses that can be used for financial gain.
The extent of the cybersecurity threat, especially to critical infrastructure, and its underestimation by the public.

- The vulnerability of the U.S. power grid, given the reliance on power by all other sectors, and the special and urgent attention it deserves.

- Different types of cybersecurity threats and their risks, including espionage, crime, and attack. For example, testimony included the estimated cost of cyber espionage against the U.S. per year, which ranges from $30 billion in one study to hundreds of billions in another.

- The sectors targeted by state-sponsored espionage, to include advanced technologies in aerospace, materials, information technology, semiconductors, solar energy, and sensors, as well as commercially valuable financial data and energy related information.

- Cybersecurity risks posed by China, and how the U.S. can effectively deter China in this respect.

- The reasons why higher education institutions should be made full partners in the partnership to address pressing cybersecurity issues.

- The need to continue to develop partnerships within industry, academia, and government in order to increase the ability to share intelligence.

- Privacy issues due to the vulnerability of wireless networks, where increasing numbers of Americans do private actions, such as banking, through their smart devices.

- The use of positive incentives rather than negative ones, such as government mandates, as the most effective way to drive higher levels of trust and actual cooperation between the private sector and government – all vital to producing real success in creating a cyber secure nation.


**Agriculture: Three House Agriculture Subcommittees Hold Hearings on 2012 Farm Bill**

The week of April 23rd, 2012, the House Committee on Agriculture held three hearings regarding several categories of programs in the 2012 Farm Bill.

The first hearing was held on April 25th by the Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. It discussed rural development programs. Witnesses included: The Honorable Charles F. Conner, President and CEO, National Council of Farmer Cooperatives; The Honorable Donald Larson, Commissioner, Brooking County, South Dakota, on behalf of the National Association of Counties; Ms. Leanne Mazer, Executive Director, Tri-County Council for Western Maryland, Frostburg, Maryland, on behalf of the National Association of Development Organizations; Mr. Frank Dunmire, Executive Director, Illinois Rural Water Association, Taylorville, Illinois, on behalf of the National Rural Water Association; Mr. Robert Stewart, Executive Director, Rural Community Assistance Partnership, Washington, D.C.; Mr. David Rozzelle, Executive Vice President, Suddenlink Communications, St. Louis, Missouri, on behalf of the National Cable Telecommunications Association; and, Mr. Mark Bahnson, CEO & General Manager, Bloomingdale Communications, Bloomingdale, Michigan, on behalf of the National Telecommunications Cooperative Association.

The second and third hearings were held on April 26th. The Subcommittee on Conservation, Energy and Forestry focused on conservation programs. The witnesses at this hearing included: Mr. Gene Schmidt, President, National Association of Conservation Districts, Washington, D.C.; Mr. Jon Scholl, President, American Farmland Trust, Washington, D.C.; Mr. Patrick O'Toole, President, Family Farm Alliance, Washington, D.C.; Mr. David E Nomsen, Vice President of Government Affairs, Pheasants Forever, Inc. St. Paul, Minnesota; Mr. Garry Niemeyer, President, National Corn Growers Association, Auburn, Illinois; Mr. David Bell, Executive Director, Wild Blueberry Commission of Maine, on behalf of Specialty Crop Farm
Bill Alliance, Orono, Maine; Mr. Randall C. Gordon, Acting President, National Grain and Feed Association, Washington, D.C.; Mr. Carl Homan, Homan Family Dairy Farms, on behalf of National Sustainable Agriculture Coalition, Centre Hall, Pennsylvania; Ms. Sara Hopper, Agricultural Policy Director, Environmental Defense Fund, Washington, D.C.; and, Mr. David Petty, cattle producer, Member of National Cattlemen's Beef Association, Eldora, Iowa.

The Subcommittee on Livestock, Dairy, and Poultry discussed dairy programs. Witnesses included: Dr. Scott Brown, Assistant Research Professor, Integrated Policy Group, Division of Applied Social Sciences, College of Agriculture, Food and Natural Resources, University of Missouri; Mr. Patrick Joseph "Joe" Wright, V&W Farms, Inc., on behalf of Southeast Milk Inc., Avon Park, Florida; Mr. Tom Barcellos, Board President, Western United Dairymen, Porterville, California; Mr. Jon Davis, Chief Executive Officer, Davisco Foods International, Inc., on behalf of International Dairy Foods Association, Le Sueur, Minnesota; and, Mr. Jerry Kozak, President and Chief Executive Officer, National Milk Producers Federation, Arlington, Virginia.


**NATURAL RESOURCES: HOUSE COMMITTEE APPROVES BILLS AFFECTING LAND IN TRINITY AND MONO COUNTIES**

On April 25, 2012 the House Natural Resources Committee met to mark up thirteen bills. Of these, two bills of particular interest to the state of California were favorably reported to the House by unanimous consent.

According to the Committee, H.R. 1237, sponsored by Rep. Wally Herger (Chico), would "provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest."

The second bill, H.R. 2467, sponsored by Rep. Howard P. "Buck" McKeon (Santa Clarita), also passed, as amended. It would "take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony." This bill is also referred to as the Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2011. An en bloc amendment offered by Rep. Don Young (AK) was agreed to by unanimous consent.


**IMMIGRATION: PEW RELEASES REPORT ON MEXICAN IMMIGRATION**

On April 23, 2012, the Pew Hispanic Center released a report titled *Net Migration from Mexico Falls to Zero-and Perhaps Less*. The Report was authored by: Jeffrey Passel, D’Vera Cohn and Ana Gonzalez-Barrera.

According to the Report, immigration from Mexico – which has sent more immigrants to the U.S. than any other country – has slowed significantly. Though the last forty years saw high immigration rates and over 12 million Mexican immigrants (over half of which arrived illegally), the Report concluded that this trend has stopped. Analysis of both Mexican and American government data sets led the authors to conclude that immigration from that country may have actually reversed, with Mexican immigrants returning to their home country.
The authors cited several factors that they believe led to this decrease, "including the weakened U.S. job and housing construction markets, heightened border enforcement, a rise in deportations, the growing dangers associated with illegal border crossings, the long-term decline in Mexico's birth rates and changing economic conditions in Mexico."

Key findings in the Report include:
- In the five-year period from 2005 to 2010, about 1.4 million Mexicans immigrated to the United States and about 1.4 million Mexican immigrants and their U.S.-born children moved from the United States to Mexico.
- In the five-year period a decade earlier (1995 to 2000), about 3 million Mexicans had immigrated to the U.S. and fewer than 700,000 Mexicans and their U.S. born-children had moved from the U.S. to Mexico.
- This sharp downward trend in net migration has led to the first significant decrease in at least two decades in the number of unauthorized Mexican immigrants living in the U.S. – to 6.1 million in 2011, down from a peak of nearly 7 million in 2007. Over the same period the number of authorized Mexican immigrants rose modestly, from 5.6 million in 2007 to 5.8 million in 2011.
- Mexicans now comprise about 58% of the unauthorized immigrants living in the United States. They also account for 30% of all U.S. immigrants. The next largest country of origin for U.S. immigrants, China, accounts for just 5% of the nation's stock of nearly 40 million immigrants.
- Apprehensions of Mexicans trying to cross the border illegally have plummeted by more than 70% in recent years, from more than 1 million in 2005 to 286,000 in 2011 – a likely indication that fewer unauthorized immigrants are trying to cross, according to the Report. This decline has occurred at a time when funding in the U.S. for border enforcement – including more agents and more fencing – has risen sharply.
- As apprehensions at the border have declined, deportations of unauthorized Mexican immigrants – some of them picked up at work or after being arrested for other criminal violations – have risen to record levels. In 2010, nearly 400,000 unauthorized immigrants – 73% of them Mexicans – were deported by U.S. authorities.
- Although most unauthorized Mexican immigrants sent home by U.S. authorities say they plan to try to return, a growing share say they will not try to come back to the U.S. According to a survey by Mexican authorities of repatriated immigrants, 20% of labor migrants in 2010 said they would not return, compared with just 7% in 2005.
- Looking back over the entire span of U.S. history, no country has ever sent as many immigrants to this country as Mexico has in the past four decades. However, when measured not in absolute numbers but as a share of the immigrant population at the time, immigration waves from Germany and Ireland in the late 19th century equaled or exceeded the modern wave from Mexico.

For more information, and for a copy of the full Report, go to: http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/.

**Transportation: LAO Releases Report on 2012-2013 Funding Requests for High Speed Rail**

On April 17, 2012 the California Legislative Analyst's Office (LAO) released a report titled *The 2012-13 Budget: Funding Requests for High-Speed Rail*.

The Report details the California High-Speed Rail Authority's (HSRA) most recent business plan, which was released this month. According to that plan, the cost of the first phase of the project would total $68 billion, while the HSRA has finalized funding for just over 18 percent of that total, with $9 billion secured through bond measures and $3.5 billion in federal monies.
According to the Report, the new business plan also makes considerable changes to the past plan, proposing integration of high-speed rail with other passenger rail systems and constructing the southern portion of the system first. It also assumes lower construction costs, and proposes using "cap-and-trade' auction revenues if additional federal funds fail to materialize."

The Report states that the Governor's funding request is consistent with the HSRA's revised business plan. It calls for "$5.9 billion to continue the high-speed rail project – $2.6 billion in state bond funds matched with $3.3 billion in federal funds" for fiscal year 2012-2013. This will enable the project to begin construction in the Central Valley. Additionally, "about $800 million is requested to make improvements to existing passenger rail services and about $250 million to complete preliminary design work and environmental reviews for various sections of the project."

In the Report's findings, the LAO criticized the HSRA, stating the following: "The HSRA has not provided sufficient detail and justification to the Legislature regarding its plan to build a high-speed train system. Specifically, funding for the project remains highly speculative and important details have not been sorted out. We recommend the Legislature not approve the Governor's various budget proposals to provide additional funding for the project. However, we do recommend that some minimal funding be provided to continue planning efforts that are currently underway."

To obtain a copy of the LAO Report, go to: http://lao.ca.gov/laoapp/PubDetails.aspx?id=2617.

**ENVIRONMENT: ARB AND CCST UNVEIL PUBLIC DATABASE ON FEDERALLY-FUNDED CLIMATE CHANGE RESEARCH PROJECTS AND PROGRAMS**

On April 19, 2012 the California Air Resources Board (ARB) and the California Council on Science and Technology (CCST) made public a database of climate change research projects and programs taking place in California, focusing on projects or programs receiving federal funding. CCST explained that the "California Climate Change Research Database includes research in a wide range of fields, including air quality, alternative energy sources, energy efficiency, climate change over time, and the impact of climate change on the ecosystem and biodiversity." The Database primarily holds projects that were federally-funded by agencies such as the DOE, NSF, EPA, ARPA, NIH, NASA, and AFRI. It also details projects that are state-funded at higher education institutions, or those that are conducted by federally-funded laboratories or by industry. Almost 200 projects are included.

CCST and ARB state that the resulting database "is a unique, state-level cross-agency, cross-institutional catalogue, offering an insight into the many research programs being funded in California. The website allows users to search the database using a number of filters, including active and completed projects, funding sources, keywords, and more."