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SPECIAL REPORT: Senate FY 2007 Commerce-Justice-Science Appropriations & California Implications - September 2006

On July 13, 2006, the Senate Appropriations Committee approved the Commerce, Justice, Science Appropriations bill for fiscal year 2007. The spending bill funds the Departments of Commerce and Justice, as well as NASA, NIST, the Small Business Administration, the Securities and Exchange Commission and other related agencies. The total amount of new budget authority recommended by the Committee for fiscal year 2007 is \$54,670,000,000, including \$229,000,000 in mandatory appropriations. The amount of discretionary budget authority, as defined by the Budget Act, is \$51,000,000,000. The total amount of new budget authority represents an increase of \$1,189,388,000 compared with the fiscal year 2006 enacted level and an increase of \$2,426,817,000 compared with the budget request.

The following is a quick analysis of the Appropriations from a California perspective, prepared by the California Institute. We apologize for errors or omissions in our discussion, and would appreciate any input or feedback on how to make improvements. The ordering of items generally reflects their appearance in the bill and does not imply relative importance.

DEPARTMENT OF JUSTICE

The Committee recommends a total of \$21,955,264,000 for the Department of Justice [DOJ]. The recommendation is \$241,126,000 above the fiscal year 2006 funding level, excluding emergency supplemental appropriations and \$461,261,000 above the budget request.

In its summary of the Department’s funding, the Committee states: “The largest impact [of DOJ’s declining funding] , both in terms of resources and programs, is the proposed elimination of over \$1,300,000,000 in State and local law enforcement funding in fiscal year 2007. As outlined at the Subcommittee’s fiscal year 2007 budget hearing on April 5, 2006, both the Federal Bureau of Investigations Director and the Drug Enforcement Administrator testified that the elimination of critical resources to State and local law enforcement would negatively impact their ability to fight the war on terror. This problem is further exacerbated by the

CONTENTS:

DEPARTMENT OF JUSTICE. . .	1
DEPARTMENT OF COMMERCE AND RELATED AGENCIES. . .	5
SCIENCE AND TECHNOLOGY	5
SCIENCE.	6

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Department's request to rescind an additional \$255,000,000 in funds previously appropriated by the Congress to State and local law enforcement.

The Committee views the continual proposed elimination of these critical programs as misguided and irresponsible. State and local law enforcement must have the resources necessary to fight crime and assist the Federal Government in the Global War on Terror. Repeated elimination of these important funds calls into question the Department's commitment to remain the Nation's premier law enforcement agency."

Legal Activities

Intellectual Property Crime Initiative - The Committee recommendation provides \$218,000 above the fiscal year 2006 enacted level to combat international and domestic intellectual property crimes.

Office of Immigration Litigation - The Committee recommendation provides an increase of \$9,566,000 above the fiscal year 2006 enacted level for the Department's "exponential growth" in alien removal decisions. The Report states: "The Committee notes that the heightened immigration enforcement activities pursued by the Department of Homeland Security [DHS] directly impacts the personnel and resources of the Justice Department. The Committee remains concerned DOJ is not requesting enough resources to keep litigation costs on pace with DHS enforcement activities."

Cybercrime and Intellectual Property Enforcement - The Committee Report states: "The Committee remains concerned that 25 percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. The estimate of lost revenue to copyright industries exceeds \$30,000,000,000 annually. The Committee directs the U.S. Attorneys to report to the Committees on Appropriations by February 1, 2007, on the number, type, and location of copyright prosecutions undertaken in the preceding year, including those under Public Law 105-147."

U.S. Marshall's Service - Construction

The bill recommends \$493,000 for the U.S. Marshall's construction project in San Jose, CA.

Bureau of Prisons - Construction

To continue construction begun last year, the Committee recommendation provides \$10,000,000 for a medium security facility in Mendota, California.

Office of Justice Programs

The Committee recommendation provides \$1,933,810,000 for the Office of Justice Programs [OJP]. The recommendation is \$312,876,000 below the fiscal year 2006 enacted level, excluding emergency supplemental appropriations, and \$732,762,000 above the budget request.

The Committee Report states: "The Committee continues to be concerned with the proposed merger of the Byrne Grant program and Local Law Enforcement Block Grant program resulting in a significantly reduced funding level. The budget request again proposes the merger of all programs administered by OJP under the Justice Assistance Grants heading. The Committee recommendation does not adopt this consolidation and retains the account structure used in previous fiscal years."

Justice Assistance

The Committee recommendation provides \$172,033,000. The recommendation is \$58,221,000 below the fiscal year 2006 enacted level and \$926,919,000 below the budget request.

State and Local Law Enforcement Assistance

The Committee recommendation provides \$810,110,000. The recommendation is \$288,384,000 below the fiscal year 2006 enacted level, excluding supplemental appropriations, and \$810,110,000 above the budget request.

Within that funding, are the following allocations:

Edward Byrne Memorial Justice Assistance Grant [JAG] - The Committee recommendation provides for \$555,126,000 for the Edward Byrne Memorial Justice Assistance Grant program.

State and Local Anti-Terrorism Training [SLATT] - The Committee recommendation provides \$5,000,000 to continue the State and Local Anti-Terrorism Training Program. The Report states: "These funds are expected to be used to provide pre-incident interdiction, prevention, investigation, and prosecution training, information, and technical assistance to State and local law enforcement in the area of antiterrorism and extremist criminal activity."

State Criminal Alien Assistance Programs [SCAAP] - The Committee recommendation provides \$71 million for SCAAP for reimbursement to States for the costs of incarceration of criminal aliens, which was again proposed for elimination in the budget request. The Report states that the funds may only be used for correctional purposes.

Southwest Border Prosecutions - The Committee recommendation provides \$29,000,000 to provide assistance to State and local law enforcement agencies (including prosecutors, probation officers, courts, and detention facilities) along the southwest border with the handling and processing of drug and alien cases referred from Federal arrests.

Edward Byrne Discretionary Grants - The Committee recommendation provides \$120,000,000 for discretionary grants to help to improve the functioning of the criminal justice system with an emphasis on drugs, violent crime, and serious offenders. Within the amounts appropriated for discretionary grants OJP shall give priority consideration to the following proposals:

- San Bernardino Gang Free Schools program, California;
- Monterey County, California, for the Street Violence and Anti-Gang Project; and
- California Department of Justice for a Digital Forensic Evidence Recovery program.

Drug Courts - The Committee recommendation provides \$15,000,000 to assist States, local units of government, and to other public or private entities to develop and implement programs for non-violent offenders with substance abuse problems.

Weed and Seed Program

The Committee recommendation provides \$40,000,000, the House provided funding in a different account. The recommendation is \$9,361,000 below the fiscal year 2006 enacted level and \$9,348,000 below the budget request.

Community Oriented Policing Services

The Committee recommendation provides \$537,633,000. The recommendation is \$80,251,000 above the fiscal year 2006 enacted level and \$435,537,000 above the budget request.

The Report states: "Local law enforcement is not only essential to ensure the safety of the public, but also plays a critical role in preventing and responding to terrorist threats. Since its creation, the Community Oriented Policing Services [COPS] office has assisted State and local law enforcement agencies by providing grants, training, and technical assistance that not only ensure public safety from traditional crime, but also better enables law enforcement officers to address the growing threat from terrorist organizations."

Methamphetamine Hot Spots - The Committee recommendation provides \$85,000,000 to State and local law enforcement programs to combat methamphetamine production and distribution, to target drug "hot spots," and to remove and dispose of hazardous materials at clandestine methamphetamine labs. The Committee recommendation includes \$20,000,000 to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs and to initiate container programs.

Interoperable Standards - Within the funds provided to this office, the COPS program office is to give priority consideration to the following project:

- California Forensic Science Institute.

Juvenile Justice Programs

The Committee recommendation provides \$300,200,000. The recommendation is \$38,161,000 below the fiscal year 2006 enacted level and \$300,200,000 above the budget request.

Discretionary Grants - The Committee recommendation provides \$76,500,000 for part E programs. Within the amounts provided, OJP shall give priority consideration to the following proposals:

- Los Angeles, California, Community Law Enforcement and Recovery [LA CLEAR] and Gang Reduction Programs; and

- LA's BEST, Los Angeles, California.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of \$7,129,745,000 for the Office of the United States Trade Representative, the International Trade Commission, and the Department of Commerce [DOC]. The recommendation is \$575,273,000 above the fiscal year 2006 enacted level, excluding supplemental appropriations, and \$821,226,000 above the budget request.

Economic Development Administration

The Committee recommendation provides \$280,441,000. The recommendation is \$9,000 above the fiscal year 2006 enacted level and \$46,726,000 below the budget request.

Economic Development Assistance Programs - The Committee recommendation provides \$250,741,000. The recommendation is the same as the fiscal year 2006 enacted level and \$46,726,000 below the budget request. The Committee Report states: "Given the Committee's tight fiscal constraints, and the effort to preserve as much of the base program funding as possible throughout the Department of Commerce the \$46,726,000 requested increase for the Economic Development Assistance Programs [EDAP] is denied."

Within the funds provided, the Committee recommendation includes \$155,000,000 for public works grants (title I); \$26,655,000 for planning assistance; \$8,216,000 for technical assistance; \$870,000 for research and evaluation; \$15,000,000 for trade adjustment assistance; and \$45,000,000 for economic adjustment grants (title IX).

SCIENCE AND TECHNOLOGY

Advanced Technology Program [ATP]

The Committee Report states: "The Committee will allow for the phase out of activities for ATP. No funds are provided in fiscal year 2007 for ATP, and the Committee believes that sufficient funds were provided as part of fiscal year 2006 under this title to cover all necessary close out costs associated with ATP."

National Oceanic and Atmospheric Administration

The Committee recommendation provides \$4,431,323,000 for the National Oceanic and Atmospheric Administration [NOAA]. Of this amount, transfers total \$80,000,000. The recommendation is \$535,874,000 above the fiscal year 2006 enacted level, excluding supplemental appropriations, and \$753,188,000 above the budget request.

NOAA National Ocean Service

The Committee recommends an appropriation of \$630,506,000 for the National Ocean Service [NOS]. NOS programs provide scientific, technical, and management expertise to promote safe navigation; assess the health of coastal and marine resources; respond to natural and human-induced threats; and preserve the coastal ocean and global environments.

Within the funds provided \$900,000 is recommended for Geodesy - Height Modernization Regional Expansion in California. For the Ocean Assessment Program (OAP), \$1 million is recommended for the Point Loma Enhanced Ocean Monitoring Program, and \$4.5

million for the Pacific Coastal Services Center. Under the Integrated Ocean Observing System, \$2 million is provided for the Center for Integrated Marine Technologies, University of California, and \$1.5 million is allocated to Scripps' Southern California Coastal Ocean Observing System.

NOAA National Weather Service

The Committee recommendation provides \$823,567,000 for the NOAA National Weather Service [NWS].

Next Generation Weather Radars [NEXRAD] - The Committee Report states: "The Committee notes that a 2005 National Research Council [NRC] report recommended several ways in which flash flood forecasting and warning can be improved in Southern California and other regions where Next Generation Weather Radars [NEXRAD] are sited in complex terrain. The Committee directs NOAA to report by April 6, 2007, on steps taken to address the NRC's recommendations and to improve low-level storm detection in Southern California. The Committee expects NWS and the Office of Oceanic and Atmospheric Research [OAR] to cooperate on this report."

NOAA Oceanic and Atmospheric Research Operations, Research and Facilities

The Committee recommendation provides \$467,173,000 for Oceanic and Atmospheric Research [OAR], including \$150,000 for the Central CA Air Quality Study Partnership Program.

NOAA National Marine Fisheries Service

The Committee recommendation provides \$813,679,000 for the National Marine Fisheries Service [NMFS]. Within the funds provided, \$66,416,000 is allocated to Pacific Salmon programs, with an additional \$24.2 million provided for salmon management activities

Pacific Coastal Salmon Recovery Fund

The Committee recommendation provides \$90,000,000 for the Pacific Coastal Salmon Recovery Fund. The recommendation is \$23,362,000 above the fiscal year 2006 enacted level and \$23,175,000 above the budget request. Within the funding for this account, the Committee recommendation provides: \$10,000,000 for the State of California; and \$10,000,000 to assist fishermen, fish processors and related businesses supporting the fishing industry in Oregon, California, and Washington impacted by the Klamath River basin disaster.

SCIENCE

National Aeronautics and Space Administration

The Committee recommendation provides \$16,757,227,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is \$510,613,000 above the fiscal year 2006 enacted level, excluding emergency supplemental appropriations, and \$35,000,000 below the budget request.

The Committee Report states: "NASA's new vision for space exploration maps out an aggressive role for the United States in manned space exploration. . . . The Committee is concerned that NASA will neglect areas that only tangentially benefit or do not fit within, the proposed exploration vision. . . . In addition, the Committee is concerned that the strong,

balanced science program that has served the Nation so successfully for many years is being left behind rather than being nurtured and sustained. That science program has been based on a set of carefully crafted scientific strategies that are founded on scientific and technical merit, relevance to overall national needs, and broad consultation with the scientific community.”

Science, Aeronautics, and Exploration

The Committee recommendation provides \$10,488,805,000 for the Science, Aeronautics, and Exploration account. The recommendation is \$852,078,000 above the fiscal year 2006 enacted level and \$35,000,000 below the budget request.

The Committee Report states: “The National Academy of Sciences has recommended that NASA and the Department of Energy work together to develop a Joint Dark Energy Mission [JDEM]. The Committee strongly supports development of the JDEM through full and open competition with project management residing at the appropriate NASA center.”

Within the amounts made available, the Committee recommends funding for the following:

- Center for Science and Technology, Dominican University, California;
- CSU Combined PET/CT Scanner; and
- The Bio-Info-Nano Research and Development Institute at NASA Ames Research

Center.

Exploration Capabilities

The Committee recommendation provides \$6,234,922,000. The recommendation is \$342,979,000 below the fiscal year 2006 enacted level and the same as the President’s request for these activities.

National Science Foundation

The Committee recommendation provides \$5,991,690,000. The recommendation is \$410,524,000 above the fiscal year 2006 enacted level and \$28,322,000 below the budget request.