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SPECIAL REPORT: Senate FY 2006 Commerce, Justice, Science Appropriations and California Implications - August 2005

On June 23, 2005, the Senate Appropriations Committee favorably reported its FY 2006 Appropriations for the Departments of Commerce and Justice, Science, and Related Agencies. (H.R. 2862/S.Rpt. 109-88). The bill funds the Departments of Commerce and Justice, as well as the Small Business Administration, Federal Communications Commission, Federal Trade Commission, NASA, National Science Foundation, U.S. Trade Representative, and the Securities and Exchange Commission. The total funding in the bill is \$52.3 billion, which is \$342.8 million above the FY2005 funding level, but \$2 billion less than the President's FY06 budget request. It is also about \$679 million more than the House bill. The recommendation does not include \$3,710,000,000 for the Strengthening America's Communities Initiative, as proposed in the budget request.

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

DEPARTMENT OF JUSTICE

The Committee recommends a total of \$21,202,485,000 for the Department of Justice [DOJ]. The recommendation is \$568,399,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations and \$602,025,000 above the budget request.

Federal Prison System

The recommendation restores \$52,000,000 for the FCI Mendota, CA, facility.

Office of Justice Programs

The Committee recommends an appropriation of \$2,287,665,000 for the Office of Justice Programs [OJP]. The recommendation is \$323,336,000 below the fiscal year 2005 funding level and \$1,081,407,000 above the budget request.

The Committee Report states: "The Committee continues to be concerned with the merger of the Byrne Grant program and Local Law Enforcement Block Grant program at 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 recommends an appropriation of \$221,000,000. The recommendation is \$3,856,000 below the fiscal year 2005 funding level and \$982,477,000 below the budget request.

National Institute of Justice

The Committee recommendation provides \$54,000,000 for the NIJ. NIJ’s mission is to advance scientific research, development, and evaluation to advance the administration of justice and public safety. The Committee Report states: “The fiscal year 1997 Appropriations Act (Public Law 104–208) directed the NIJ to conduct a comprehensive comparison of the privately-operated Taft Correctional Institution in Taft, CA, and BOP operated facilities. A report on NIJ’s findings was expected to be completed in 2002. It is now 3 years later and the report has yet to be finalized. The Committee finds this delay unacceptable and directs NIJ to provide a copy of the final report to the Committee within 90 days of the enactment of this Act.”

State and Local Law Enforcement Assistance

The Committee recommends an appropriation of \$1,078,350,000. The recommendation is \$199,854,000 below the fiscal year 2005 funding level and \$1,078,350,000 above the budget request.

Southwest Border Prosecutors – The Committee recommends \$30,000,000 to provide for funding assistance to State and local law enforcement agencies along the Southwest border, to offset the costs of processing, detaining, and prosecuting drug and other cases referred from Federal arrests of Federal investigations.

State Criminal Alien Assistance Program – The Committee provides \$200 million to the SCAAP program, but earmarks \$30 million of that for the Southwest Border Prosecutors.

Byrne Discretionary Grants – \$177 million is recommended.

Weed and Seed Program

The Committee recommends an appropriation of \$50,280,000. The recommendation is \$10,892,000 below the fiscal year 2005 funding level and \$50,280,000 above the budget request.

Community Oriented Policing Services (COPS)

The Committee recommends an appropriation of \$515,087,000. The recommendation is \$83,259,000 below the fiscal year 2005 funding level and \$512,306,000 above the budget request.

Methamphetamine Enforcement and Clean-Up

The Committee recommends \$60,100,000 for 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.

Juvenile Justice Programs

The Committee recommends an appropriation of \$350,000,000. The recommendation is \$29,045,000 below the fiscal year 2005 funding level and \$350,000,000 above the budget request.

DEPARTMENT OF COMMERCE

The Committee recommends a total of \$1,866,311,000 for the Office of the United States Trade Representative, the International Trade Commission, and the Department of Commerce, excluding Science agencies, which are addressed under a separate title in this Act. The recommendation is \$156,696,000 below the fiscal year 2005 funding level and \$3,570,384,000 below the budget request. The significant difference between the recommendation and the requested funding level is explained by the Committee's rejection of the proposal to consolidate multiple Federal community development grant programs into a single program, called the Strengthening America's Communities Initiative. Without this \$3,710,000,000 request, the Committee recommendation for the Department of Commerce, non-science agencies, is \$139,616,000 below the budget request.

Economic Development Administration

The Committee recommends an appropriation of \$314,924,000. The recommendation is \$30,864,000 above the fiscal year 2005 funding level and \$288,340,000 above the budget request. The recommendation does not include funding for the Strengthening America's Communities Initiative and has restored the appropriation for the Economic Development Administration [EDA] to previous years' level. The EDA provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development.

Economic Development Assistance Programs

The Committee recommends an appropriation of \$283,985,000. The recommendation is \$30,000,000 above the fiscal year 2005 funding level and \$283,985,000 above the budget request. The Committee recommendation provides funding of \$181,718,000 for public works grants (Title I), \$27,000,000 for planning assistance, \$16,000,000 for trade adjustment assistance, \$49,527,000 for economic adjustment grants (Title IX), \$9,200,000 for technical assistance, and \$540,000 for research.

SCIENCE

Advanced Technology Program [ATP]

The Committee recommends an appropriation of \$140,000,000. Within the amounts made available, \$60,000,000 is to be used to fund new awards. The Committee Report states: "ATP is an industry-led, highly competitive, and cost-shared program that allows U.S. companies to develop the next generation of breakthrough technologies. These innovations enable revolutionary products, cutting-edge industrial manufacturing processes, and creative new services for the world's markets. Independent studies have shown that ATP is delivering on its mission. In a sampling of just 6 percent of the ATP projects, the sampled projects returned \$17,000,000,000 in net economic benefits, approximately an eight-fold return on investment. The ATP program is critical to ensuring that U.S. industries capture market share in the facing of growing global competition, particularly in the fields of science and technology."

National Oceanic and Atmospheric Administration

Under funding for the National Ocean Service, \$933,000 is provided for a Geodesy Height Modernization Expansion project in California.

\$1.5 million is provided to the Southern California Coastal Ocean Observing System at Scripps under Integrated Ocean Observing System funding.

NOAA National Marine Fisheries Service

The Committee recommends an appropriation of \$763,783,000 for the National Marine Fisheries Service [NMFS]. NMFS programs provide for the management and conservation of the Nation's living marine resources and their environment, including fish stocks, marine mammals, and endangered species. Within that funding \$69.092 million is provided for Pacific salmon research and recovery. \$25.4 million is provided for salmon management activities.

NOAA Oceanic and Atmospheric Research Operations, Research and Facilities

\$375,000 is provided for the Central California Air Quality Study Partnership Program.

Pacific Coastal Salmon Recovery Fund

The Committee recommends \$90,000,000 for the Pacific Coastal Salmon Recovery Fund. The recommendation is \$1,202,000 above the fiscal year 2005 funding level and identical to the budget request. Within the funding for this appropriation, the Committee allocates \$13 million to the State of California.

National Aeronautics and Space Administration

The Committee recommends an appropriation of \$16,396,400,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is \$326,000,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$60,000,000 below the budget request.

National Science Foundation

The Committee recommends an appropriation of \$5,530,959,000. The recommendation is \$58,135,000 above the fiscal year 2005 funding level and \$74,041,000 below the budget request.

Nanotechnology

Without providing a dollar amount, the Committee Report states: "NSF has been the lead agency for the National Nanotechnology Initiative, and will continue to contribute to this emerging technology. The Committee recommends the full funding level requested for nanotechnology. This level of funding will allow the Foundation to continue to be the leader for this initiative. NSF is encouraged to make sure that public misconceptions of this field are minimized."