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SPECIAL REPORT: House FY2007 Science, State, Justice, Commerce Appropriations and California Implications - July 2006

On June 29, 2006, the House passed the FY2007 Science, State, Justice, Commerce Appropriations (H.R. 5672; H.Rpt. 109-520) by a vote of 393-23. The bill provides a total of \$59,839,000,000 in discretionary budget authority for the departments and agencies funded in this bill. The recommendation is \$136,893,000 above the President's request and \$2,631,000,000 above the amount enacted for the FY 2006 fiscal year. The Committee also recommends \$354,000,000 for mandatory programs funded within this bill.

The following is a quick analysis of the bill from a California perspective 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 appearance in the bill and does not mean to imply any relative importance.

DEPARTMENT OF JUSTICE

The bill provides \$22.1 billion in discretionary funding for the Department of Justice, \$724 million above the fiscal year 2006 level and \$1.0 billion above the President's request.

Gangs - The bill includes an increase of \$6,081,000 for 61 additional United States Attorneys positions, \$20,000,000 for the Gang Resistance Education and Training program, and \$40,000,000 for grants for communities to develop comprehensive gang prevention and enforcement programs in coordination with local United States Attorneys offices.

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Methamphetamine (meth) - In order to help Federal, State and local law enforcement address the meth epidemic, the recommendation provides \$367,852,000 for the Justice Assistance Grants program, which the Administration proposed to eliminate; \$99,000,000 for meth-specific grants, which is the authorized level and \$58,916,000 above the budget request; \$40,000,000 for Drug Court programs, which is \$30,128,000 above the current year; \$5,000,000 for State Prison Drug Treatment programs, which the Administration proposed to eliminate; and \$15,000,000 above the request for DEA.

Office of Justice Programs

The recommendation includes \$2,244,179,000 for the Office of Justice Programs (OJP), which is \$1,043,131,000 above the request and \$171,932,000 below the current year.

Justice Assistance

The Committee recommends \$215,575,000 for the Justice Assistance account, which is \$14,679,000 below the enacted level and \$818,377,000 below the request. The request proposed merging all OJP programs under this heading, and the Committee's recommendation retains the current year funding structure.

State and Local Law Enforcement Assistance

The Committee recommends a total of \$1,103,492,000 for State and Local Law Enforcement Assistance programs. This amount is \$1,103,492,000 above the request and \$149,619,000 below the enacted level. The Committee does not adopt the Administration's proposal to consolidate this appropriation under the Justice Assistance heading.

Edward Byrne Memorial Justice Assistance Grants Program

During House consideration, an amendment was approved increasing funding by \$75 million to about \$635 million. The Committee recommendation had been \$558,077,000 for the Edward Byrne Memorial Justice Assistance Grants (JAG) program. Within the amounts provided, the Committee expects OJP to examine each of the following California proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal:

- Grass Valley, CA, for a law enforcement initiative;
- San Bernardino County and Riverside County, CA, Regional Fingerprint Identification Program;
- City of Redlands, CA, East Valley Justice Communications Center;
- Riverside County, CA, Web Wise Kids Program;
- San Bernardino County, CA, for a law enforcement initiative;
- City of Redlands, CA, Crime Analysis System;
- Ventura County, CA, Sheriff's Office for a law enforcement initiative;
- City of Oceanside, CA, for a gang prevention program;

- ACTION Project in San Joaquin Valley, CA;
- City of Westminster, CA, for a law enforcement initiative;
- Kern County, CA, for law enforcement activities;
- Bakersfield, CA, for gang violence activities;
- California Western School of Law California Innocence Project;
- Los Angeles City/County, CA, (CLEAR) anti-gang program;
- East Palo Alto, CA, for a violence and gang prevention initiative;
- San Diego County, CA, SAFE Task Force training
- Los Angeles, CA, Community Policing Program;
- East Bay, CA, Community Law Center;
- Solano County, CA, Probation Department;
- CA Department of Justice crime scene response;
- San Francisco, CA, Ex-Offender Re-entry Services;
- Asian Pacific Womens Center for domestic violence programs, CA;
- Bienestar programs for at-risk youth, CA;
- Resource Center on Workplace Violence, CA;
- City of South Gate, CA;
- Anaheim, CA, Family Justice Center;
- Los Angeles, CA, Domestic Abuse Response Team; and
- Center Point, CA, for re-entry services.

State Criminal Alien Assistance Program

During House consideration of the bill, an amendment was approved that increased funding for the State Criminal Alien Assistance Program (SCAAP) to \$415 million. The Committee had recommended \$405,000,000 for this program, which partially reimburses States for the costs of incarceration of criminal aliens, and was again proposed for elimination in the budget request. The total recommendation now provides a \$15,173,000 increase above the fiscal year 2006 level.

Southwest Border Prosecutions

The Committee recommends \$30,000,000 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. The recommendation is \$383,000 above the fiscal year 2006 level.

Community Oriented Policing Services

The Committee recommendation includes \$570,545,000 for the Community Oriented Policing Services (COPS) program for fiscal year 2007, which is \$98,355,000 above the current year and \$468,449,000 above the request.

Methamphetamine Enforcement and Clean-Up

The Committee recommends \$99,000,000 for grants to address public safety and methamphetamine manufacturing, sale, and use in “hot spots,” including reimbursement of the Drug Enforcement Administration (DEA) for expenses related to the clean-up of methamphetamine clandestine labs. This amount is \$36,222,000 above the enacted level and \$58,916,000,000 above the request. The Committee is aware that the production, trafficking, and abuse of methamphetamine, an extremely destructive and addictive synthetic drug, continues to

be a serious national problem. Within the amount provided, the Committee has included \$20,000,000 to reimburse the DEA for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, a container program, and purchase of equipment.

The Committee expects the COPS Program Office, in consultation with DEA, to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal:

- California Methamphetamine Strategy;
- Riverside County, CA, Drug Endangered Children;
- Solano County Sheriff's Office multi-jurisdictional methamphetamine enforcement team (Cal-MMET); and
- Phoenix House, CA, adolescent meth drug treatment.

Law Enforcement Technologies and Interoperable Communications Program

The Committee recommendation provides \$100,000,000 for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crimes, and gathering and analyzing information, and for the continued development of interoperable communications systems for State and local law enforcement entities. The recommendation restores \$100,000,000 above the request. Within the amount provided, the Committee expects the COPS office to examine each of the following proposals, to provide grants if warranted, if each application complies with the direction provided above, and to submit a report to the Committee on its intentions for each proposal:

- Nevada County, CA, for law enforcement technologies;
- Placer County, CA, for law enforcement technologies;
- Grass Valley, CA, Police Department for law enforcement technologies;
- Plumas County, CA, for law enforcement technologies;
- City of San Bernardino, CA, for law enforcement technologies;
- City of Banning, CA, for interoperable communications for law enforcement;
- City of Corona, CA, for law enforcement technologies;
- San Diego, CA, for law enforcement technologies;
- Calaveras County, CA, for law enforcement technologies;
- City of Chino, CA, for law enforcement technologies;
- Palmdale, CA, for law enforcement technologies;
- City of Livermore, CA, for interoperable communications for law enforcement;
- San Joaquin County, CA, for interoperable communications for law enforcement;
- City of Morgan Hill, CA, for law enforcement technologies;
- Fresno, CA, for law enforcement technologies;
- Colton, CA, Police Department radio interoperability project;
- San Bernadino, CA, District Attorney for investigative upgrades;
- City of Stockton, CA, for law enforcement equipment;
- Stanislaus County and City of Modesto, CA, for law enforcement interoperable communications;
- San Diego, CA, Police Department for law enforcement equipment;
- San Mateo County, CA, forensics lab;
- Solano County, CA, for law enforcement communications;

- Los Angeles, CA, Central City for law enforcement equipment;
- Garden Grove, CA, Police Department for law enforcement equipment;
- Monterey Park, CA, for law enforcement interoperable communications;
- Hayward, CA, for law enforcement equipment;
- Fairfield, CA, for law enforcement equipment;
- Gardena, CA, for law enforcement equipment; and
- Burbank, Culver City, Glendale, Montebello, and Torrance, CA, for law enforcement communications.

Juvenile Justice Programs

The Committee recommendation provides a total of \$280,739,000 for Juvenile Justice Programs for fiscal year 2007. The Committee recommendation is \$57,622,000 below the current year and \$92,138,000 above the President's request for similar juvenile justice programs.

Within the overall amounts recommended, the Committee directs the Office of Justice Programs to review the following California proposals, provide a grant if warranted, and submit a report to the Committee on its intentions:

- City of Indio, CA, for a juvenile delinquency prevention program;
- City of Fontana, CA, for at-risk youth;
- Rialto, CA, Police Activities League;
- San Bernardino, CA, District Attorney Community Prosecutor Program to reduce youth violence;
- AAFAAC for at-risk youth, CA;
- South Los Angeles, CA, for at-risk youth;
- WII for at-risk teenagers in Los Angeles, CA;
- Youth Entrepreneurial Training (YET) Program for at-risk youth in CA;
- Children's Initiative to target first-time juvenile, non-violent offenders, CA;
- Monterey County, CA, Street Violence and Anti-Gang Project;
- San Jose, CA, BEST Program for at-risk youth;
- The Mentoring Center program for young parolees, CA;
- San Jose, CA, for Youthful Offenders program;
- Sacramento, CA, Police Department Gang Intervention and Prevention Program;
- Shields for Families for at-risk youth, CA;
- Pomona Parents in Action Project for gang prevention program, CA;
- Project Avary for at-risk youth, CA;
- San Francisco, CA, District Attorney's office for programs to reduce youth violence;
- Eastlake, CA, Juvenile Law and Policy Center;
- LA Court Appointed Special Advocates (CASA);
- Willowbrook, CA, Youth Safety Program focusing on gang and violence prevention;
- Asian Youth Center of San Gabriel, CA, at-risk youth program;
- Friends of Child Advocates of Los Angeles County, CA;
- Project Amiga in South El Monte, CA, for juvenile offenders program;
- Alameda County, CA, Child Protective Services; and
- Santa Monica, CA, programs for at-risk youth.

Juvenile Accountability Block Grants

The recommendation provides \$49,361,000 for the Juvenile Accountability Block Grants program, which is \$49,361,000 above the request and the same as the current year level.

DEPARTMENT OF COMMERCE

The Committee recommendation includes a total of \$5,963,786,000 in general purpose discretionary funds for the programs of the United States Trade Representative, the International Trade Commission and the Department of Commerce for fiscal year 2007, \$619,184,000 below the current year level including supplemental appropriations, and \$323,733,000 below the request.

U.S. Trade Representatives Office

Intellectual Property Rights (IPR)

The Committee Report states: "Pirating and counterfeiting has grown to an estimated \$200 billion a year problem and the theft of artistic and scientific creation is draining our economy. The Committee commends the USTR's efforts to conduct a comprehensive review of U.S.-China Trade Relations in its "Entering A New Phase of Greater Accountability and Enforcement" report dated February 2006. The Committee's recommendation supports many of the key action items outlined in the report, including expansion of USTR enforcement capability, expanding USTR capability to obtain and apply information on the PRC's trade regime, and expansion of trade policy and negotiating capacity in Beijing, China. The recommended resource level will also allow for increased coordination with other trading partners, increase focus on regulatory reform in the PRC, and strengthen U.S. Government interagency coordination. Specifically, the Committee has included \$900,000 for the National Intellectual Property Law Enforcement Coordination Council under the Department of Commerce heading, and necessary funds for USTR to establish an IPR enforcement position in Beijing, China. In addition, under Title I of this Act, a program increase of \$2,218,000 is included for IP investigations and prosecutions by the Justice Department.

Although modest steps have been made to harness U.S. Government resources to tackle the problem of IPR piracy by our trading partners, the United States has not yet taken an intellectual property rights enforcement case to the WTO against its trading partners to stem the hemorrhaging of U.S. intellectual property. The Committee expects the USTR to use all necessary means to enforce IPR agreements.

Despite the Committee's inclusion of bill language establishing a position of Chief Negotiator for Intellectual Property Enforcement in prior years, the position remains vacant. The Committee expects the USTR to fill this immediately."

Economic Development Administration

The recommendation includes \$260,441,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2007, which is \$66,726,000 below the request, and \$19,991,000 below the current year level. The Committee Report states that the Committee expects EDA to use all available carryover and prior year recoveries to the maximum extent possible.

Economic Development Assistance Programs

The Committee provides \$230,741,000 for the Economic Development Assistance program and the Trade Adjustment Assistance for Firms program.

Science and Technology

The Committee recommendation includes \$4,019,167,000 in direct discretionary appropriations for the Science and Technology programs of the Department of Commerce, including the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration, which is \$684,842,000 below the current year, and \$242,785,000 below the request.

National Marine Fisheries Service (NMFS)

The recommendation provides \$539,100,000 for NMFS operations, research and facilities. The recommendation for Protected Species Research and Management includes \$56,000,000 for Pacific Salmon, a continuation of the fiscal year 2006 level. The Committee expects NOAA to complete its Coho salmon recovery plan for the Klamath River as required by law as soon as possible. Also the Committee urges NOAA to work with local entities in the Scott and Shasta river basins to implement restoration projects, as soon as possible with minimal overhead. The Committee Report also states: "Further, the Committee encourages the Secretary of Commerce to make his determination regarding a fishery failure declaration for the Klamath River as soon as practicable." [The Secretary declared a fishery failure for the Klamath River in July 2006].

National Oceanic and Atmospheric Administration

The Committee recommendation includes a total of \$3,390,167,000 in discretionary appropriations for the National Oceanic and Atmospheric Administration (NOAA), which is a decrease of \$508,282,000 below the current year level not including supplemental amounts, and \$288,968,000 below the request.

Within the base funding provided for fisheries research, the Committee Report states that the Committee expects NOAA to allocate funding to the highest priority research activities related to, among other activities, the California cooperative oceanic fisheries investigation and California marine fisheries replenishment research. The recommended funding level to expand stock assessments also includes funding for continuation of a West Coast inseason harvest data collection system.

Pacific Coastal Salmon Recovery

The recommendation includes \$20,000,000 for conservation and habitat restoration and recovery grants for endangered and threatened Pacific salmon populations, which is \$46,638,000 below the current year and \$46,825,000 below the request. The Report states: "The recommendation includes language, similar to the request, that (1) lists eligible State and tribal grantees under the program; (2) defines the allowable uses of funds under this account; (3) requires that funds disbursed to States be subject to a matching requirement; and (4) requires that non-Federal contributions must be used in direct support of this program in order to fulfill the matching requirement. The Committee expects that any guidelines established by the Secretary of Commerce to allocate funding under this account will restrict the use of funding under this account to projects necessary for restoration of populations that are listed as endangered or

threatened or identified as at-risk to be so listed, projects that maintain populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or projects to conserve Pacific coastal salmon and steelhead habitat. NOAA shall report to the Committee within 60 days of the enactment of this Act on the distribution of funding to States and tribes under this heading.

The Committee notes that from fiscal year 2000 through fiscal year 2006, over \$1,250,000,000 has been appropriated for NOAA Pacific Salmon programs, including \$591,125,000 for recovery grants to States and tribes. The Committee recommendation for fiscal year 2007 includes a total of \$100,000,000 for NOAA Pacific Salmon programs, consisting of \$56,000,000 in NMFS Protected Species funding, \$24,000,000 in NMFS Salmon Management funding, and the \$20,000,000 included under this heading for recovery grants to States and tribes.”

SCIENCE PROGRAMS

The funds recommended by the Committee in the Science Title of the bill fund the development of national science policy, as well as the operational, research, and education activities of the National Aeronautics and Space Administration and the National Science Foundation. The recommendation totals \$22,734,381,000, which is \$901,108,000 above the amount provided in fiscal year 2006 not including supplemental amounts, and \$83,227,000 below the budget request.

National Aeronautics and Space Administration

The Committee recommends a total of \$16,709,000,000 for the National Aeronautics and Space Administration, which is \$83,227,000 below the President’s request, and an increase of \$462,386,000 above the fiscal year 2006 level not including emergency supplemental funding.

Science, Aeronautics and Exploration

The Committee recommends \$10,482,000,000 for science, aeronautics and exploration, an increase of \$845,273,000 above the fiscal year 2006 enacted level and \$41,805,000 below the request.

National Science Foundation

The Committee recommendation includes a total of \$6,020,012,000 for the National Science Foundation (NSF), which is \$438,846,000 above the current year funding level and the same as the request.

Education and Human Resources

The Committee recommendation includes \$832,432,000 in this account, which is \$35,739,000 above the current year level and \$16,212,000 above the request. The Report states: “In light of the challenges facing the nation in improving math and science educational participation and achievement, the Committee believes that the American Competitiveness Initiative must not only bolster the NSF’s basic research activities, but also its education programs. The most critical need in this regard is to improve K–12 and undergraduate education in science and math.”

DEPARTMENT OF STATE

The Committee recommends a total of \$9,124,170,000 for fiscal year 2007 for the Department of State. This amount is \$378,269,000 below the budget request and \$203,629,000 above the amount appropriated for fiscal year 2007.

International Boundary and Water Commission, United States And Mexico

The bill includes a total of \$37,690,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). This amount is \$4,815,000 above the amount available in fiscal year 2006 and \$4,000,000 above the total budget request for fiscal year 2007. The total amount provided includes \$28,453,000 for Salaries and Expenses and \$9,237,000 for construction. The recommendation includes language authorizing not to exceed \$6,000 for representation expenses, as requested.

SMALL BUSINESS ADMINISTRATION

Funds are provided for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, for the following California projects:

- \$750,000 for Fairplex Trade and Conference Center; and
- \$300,000 for the Institute for Entrepreneurship, Small Business Development and Global Logistics at California State University at Dominguez Hills, CA.