



# SPECIAL REPORT: HOUSE FY2011 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS AND CALIFORNIA IMPLICATIONS - AUGUST 2010

On July 22, 2010, by a vote of 17-12, the Senate Appropriations Committee approved its FY 2011 Appropriations for the Departments of Commerce and Justice, and Science and Related Agencies (S.Rpt. 111-229). The bill provides \$65,082,445,000 in new obligation authority, compared to \$68,174,287,000 appropriated for FY10, a decrease of \$3,091,842,000. Discretionary appropriations in the bill total \$60,139,000,000 – \$400 million below the Administration’s request.

The following is a quick analysis of the bill from a California perspective prepared by the California Institute. The ordering of items generally reflects their appearance in the bill and does not mean to imply any relative importance.

## [DEPARTMENT OF COMMERCE](#)

## [DEPARTMENT OF JUSTICE](#)

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### **DEPARTMENT OF COMMERCE**

The Committee recommends a total of \$8,987,500,000 for the Department of Commerce [DOC]. The recommendation is \$5,047,723,000 below the fiscal year 2010 enacted level, excluding supplemental appropriations, and \$20,000,000 above the budget request.

#### **Economic Development Administration**

The Committee’s recommendation provides \$280,181,000 for the Economic Development Administration [EDA]. The recommendation is \$12,819,000 below the fiscal year 2010 enacted level and \$6,000,000 below the budget request. The EDA provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development.

#### **National Institute of Standards and Technology**

The Committee’s recommendation provides \$968,100,000 for the National Institute of Standards and Technology [NIST]. The recommendation is \$111,500,000 above the fiscal year

2010 enacted level and \$49,200,000 above the budget request. NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve quality of life.

### **National Oceanic and Atmospheric Administration**

The Committee's recommendation provides \$5,545,521,000 for the National Oceanic and Atmospheric Administration [NOAA]. The recommendation is \$807,990,000 above the fiscal year 2010 enacted level and \$2,000,000 above the budget request.

**NOAA National Ocean Service** - The Committee recommends \$501,940,000 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.

**NOAA National Marine Fisheries Service** - The Committee's recommendation provides \$909,029,000 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. NMFS seeks to build sustainable fisheries, recover protected species, and sustain healthy coastal ecosystems and the communities that depend on them.

**NOAA Oceanic and Atmospheric Research** - The Committee's recommendation provides \$438,710,000 for Oceanic and Atmospheric Research [OAR]. OAR programs provide the environmental research and technology needed to improve NOAA weather, air quality warnings, forecasts, climate predictions, and marine services. To accomplish these goals, OAR supports a network of scientists in its Federal research laboratories, universities, and joint institutes and partnership programs.

### **Pacific Coastal Salmon Recovery Fund**

The Committee's recommendation provides \$80,000,000 for the Pacific Coastal Salmon Recovery Fund. The recommendation is \$15,000,000 above the budget estimate. Funds are for conservation initiatives to help recover Pacific salmon populations. State and local recipients of this funding will provide matching contributions of at least 33 percent of Federal funds. In addition, funds will be available to tribes that do not require matching dollars.

## **DEPARTMENT OF JUSTICE**

The Committee recommends a total of \$29,896,095,000 for the Department of Justice [DOJ]. The recommendation is \$1,818,411,000 above the fiscal year 2010 funding level, excluding emergency supplemental appropriations, and \$159,580,000 above the budget request.

**Executive Office for Immigration Review - Immigration and Southwest Border Initiative** - The Committee's recommendation includes the requested increase of \$11,039,000 in the budget for EOIR's Immigration and Southwest Border Initiative to add 21 Immigration Judge Teams, 10 Board of Immigration Appeals [BIA] attorneys, and related immigration court and BIA

support staff. The Committee documents state: “EOIR receives cases directly from Department of Homeland Security [DHS] enforcement personnel, in which the Government is seeking the removal of aliens who are in the United States without lawful status or who have committed some act, typically a criminal offense, that renders them removable. EOIR’s immigration court caseload continues to increase to unsustainable levels as a result of heightened and border enforcement efforts. The caseload grew 30 percent between fiscal year 2004 and 2009, from 300,000 to 390,000 new matters coming to EOIR for resolution each year. The number of new cases is expected to exceed 400,000 annually by 2011. Increased funding will enhance EOIR’s ability to provide timely adjudications, thus enabling DHS to process those found removable immediately upon completion of their sentences, and assisting greatly in the efficient use of detention beds.”

**Interagency Law Enforcement - Interagency Crime and Drug Enforcement - Southwest Border Enforcement Initiative** - The Committee documents state: “The Committee is concerned about the continuing violence and crime on the Southwest border and supports the Department’s coordinated approach to address illegal narcotics and related criminal activities and violence there. Therefore, the Committee provides the full budget request of \$176,100,000, an increase of \$37,339,000 over the fiscal year 2010 enacted level to hire and deploy 158 new positions, including 29 agents and 58 attorneys, to support a significant expansion of and investment in the Organized Crime and Drug Enforcement Task Forces (OCDETF) program on the Southwest border. This will deploy resources pursuant to a single, coherent strategic plan that will provide for escalating enforcement and prosecutorial activities along the Southwest border and in interior regions of the United States affected significantly by Southwest border drug trafficking. Increased resources will allow OCDETF to expand the number of high priority drug investigations and initiatives it supports, such as Mexican and Columbian fugitive apprehension teams; collocated, collaborative strike forces of ATF, FBI, U.S. Marshals Service and DEA agents; intelligence capacity; Southwest border investigative and prosecutorial activities; and the new Southwest Border Threat Response Unit to better support OCDETF title III wiretap requests.”

**Federal Bureau of Investigation - Intellectual Property Rights Enforcement** - The Committee documents state: “Within funds provided, the Committee urges the FBI to continue to make the detection, investigation, and prosecution of domestic and international intellectual property crimes an investigative priority. The Committee also urges the FBI to continue field office collaboration with the U.S. Attorneys’ Computer Hacking and Intellectual Property Rights units and to continue to support the FBI Headquarters Intellectual Property Rights program coordination with the Department of Justice’s Criminal Division’s Computer Crime and Intellectual Property section.”

**Drug Enforcement Administration - Methamphetamine Cleanup** - The recommended level for DEA includes \$10,000,000 for the DEA to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at methamphetamine labs, including funds for training, technical assistance, a container program, and purchase of equipment. These funds were previously provided by transfer from the COPS program.

**Drug Enforcement Administration - Southwest Border Enforcement** - The Committee’s recommendation includes \$12,306,000 in enhancements for a total of \$67,847,000,

for support of DEA's enforcement efforts along the Southwest border including \$10,806,000 to make permanent the enhanced Mexican Sensitive Investigation Unit program. These resources will help DEA to expand its presence along the border, address increased workload related to narcotics seizures by DHS, and respond to specific field intelligence priorities.

#### **Office of Justice Programs**

The Committee recommends a total of \$2,623,330,000 for OJP, which is \$553,424,000 above the budget request and \$339,867,000 above the fiscal year 2010 enacted level. For fiscal year 2011, the Committee has established a "Research, Evaluation and Statistics" appropriation to replace the "Justice Assistance" appropriation.

#### **State and Local Law Enforcement Assistance**

The Committee's recommendation provides \$1,510,475,000 for State and local law enforcement assistance. The recommendation is \$24,293,000 below the fiscal year 2010 enacted level, and \$31,975,000 above the budget request. Included in the funding are the following programs:

- Byrne Memorial Justice Assistance Grants - \$520,000,000
- Byrne Competitive Grants - \$40,000,000
- Southwest Border Prosecutor Program - \$20,000,000

**State Criminal Alien Assistance Program (SCAAP)** - The Committee recommends \$300,000,000. California historically has received about 40 percent of the program funds.

**Byrne Criminal Justice Innovation Program** - Funding of \$20 million is provided. The Committee report states: "The Committee supports the administration's proposal to replace the Weed and Seed Program with a new Byrne Criminal Justice Innovation Program. Building on concepts employed in the Weed and Seed Program, this new program will focus on place-based programs by providing demonstration grants in communities to support innovative, evidence-based approaches to fighting crime and improving public safety, as well as addressing its underlying problems. The program will be coordinated with the Department of Housing and Urban Development [HUD] and other agencies, supporting an interagency initiative on Neighborhood Revitalization."

**Byrne Discretionary Grants** - Funding of \$213,475,000 is provided. Within that appropriation, funding for the following earmarks is provided:

- San Diego Superior Court, City of San Diego, CA - San Diego Superior Court Case Management System - To implement a case management system in San Diego Superior Court - \$1,000,000.
- California State Department of Justice, Bureau of Narcotics Enforcement, City of Sacramento, CA - California Department of Justice Digital Forensic Evidence Laboratories - To enhance crime laboratory forensic capabilities - \$500,000
- County of Monterey, Salinas, CA - Street & Anti-Gang Project (aka: Gang Task Force) - To combat gangs and reduce gang impact and violence - \$500,000
- County of Ventura Sheriff's Department, Ventura, CA - Sexual Assault Felony Enforcement

(SAFE) Team Task Force - To assist in monitoring, tracking, and locating registered sex offenders - \$500,000

**Border Prosecution Initiatives** - The Committee's recommendation provides \$25,000,000 for funding to assist State and local law enforcement, including prosecutors, probation officers, courts and detention facilities along both the Southern and Northern borders related to the investigation and prosecution of drug and immigration cases referred from Federal arrests.

**Juvenile Justice Programs** - The Committee's recommendation provides \$489,555,000 for juvenile justice programs. The recommendation is \$65,960,000 above the fiscal year 2010 enacted level and \$199,749,000 above the budget request.

**Part B - State Formula Grants** - The Committee provides \$70,000,000 for grants to implement comprehensive State juvenile justice plans, including community-based prevention and intervention programs and activities for juvenile offenders. This amount is \$5,000,000 below the fiscal year 2010 level and \$2,000,000 below the budget request.

**Discretionary Grants** - The Committee's recommendation provides \$75,355,000 for part E programs. The Committee report directs the Department of Justice to refrain from charging administrative costs to these grants. The Committee expects that the Department of Justice will provide appropriate management and oversight of each grant. Within the amounts provided, the following congressionally designated project is funded:

City of Fairfield, Fairfield, CA - Matt Garcia PAL Center - To continue and expand services to at risk youth - \$175,000

### **Community Oriented Policing Services**

The Committee's recommendation provides \$585,955,000 for community oriented policing services. The recommendation is \$205,653,000 below the fiscal year 2010 enacted level and \$104,045,000 below the budget request. Within that amount, the following programs are funded:

- COPS Hiring Grants - \$400,000,000
- Meth Hot Spots - \$13,135,000

Within the amounts provided, the COPS program office is directed to fund following congressionally designated projects:

- City of Fresno, City of Fresno, CA - To provide law enforcement equipment - To purchase streetscape video cameras and mobile recording equipment - \$300,000

- City of San Diego, San Diego, CA - Public Safety Technology - To update police communications technology - \$150,000

- County of Fresno, Fresno, CA - Regional Data Interoperability - For an interoperable communications system - \$675,000

- County of Yolo, City of Woodland, CA - Yolo Emergency Communications System Improvements - To purchase public safety interoperable communications system equipment - \$1,000,000

- East Bay Regional Communications System Authority, Dublin, CA - East Bay Regional Communications System - To complete the interoperable communications system - \$1,000,000

- Interagency Communications Interoperability System Joint Powers Authority, City of Glendale, CA. - Interagency Communications Interoperability System - For a regional public safety

interoperable communications system - \$200,000

## **SCIENCE**

### **National Aeronautics and Space Administration**

The Committee's recommendation provides \$19,000,000,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is \$275,700,000 above the fiscal year 2010 enacted level and equal to the budget request.

**Aeronautics and Space Research and Technology - NASA Unmanned Aircraft Systems University Affiliated Research Center** The Committee report states: "The Committee is alarmed at the total disregard of the Agency to follow congressional intent. The fiscal year 2010 appropriations bill provided funds and clearly directed NASA to establish a University Affiliated Research Center [UARC] in collaboration with the Dryden National Flight Center [located in Edwards, CA] to focus on unmanned aircraft systems remote sensing research applications and educational programs. The NASA spend plan for this funding in no way reflects the mandate of Congress. The Committee directs NASA to suspend all plans for this funding until a full and complete explanation is provided and approved by the Committee."

### **Exploration**

The Committee provides \$3,912,000,000 for the Exploration account, compared to FY 2010 funding of \$3,746,300,000 and the Administration's request of \$4,263,400,000. The Committee report states: "The request proposed a restructuring of this account to emphasize technology development and commercial space transportation. The Committee shares the administration's enthusiasm for new acquisition models intended to keep the cost of space access low and for investments in new technologies that can radically reduce the cost of human transportation to and in space."

**Commercial Orbital Transportation Services [COTS] Cargo** - The Committee report states: "The Committee continues its support for ensuring the continued viability and productivity of the International Space Station through its extended service life by funding commercial cargo transportation development. The full request of \$312,000,000 is provided to support the existing COTS cargo program, aimed at enabling the commercial space industry in support of NASA to develop reliable means of launching cargo and supplies to the International Space Station throughout the duration of the facilities' operation. To improve the prospects for COTS program success and reduce schedule, technical, and programmatic risk associated with an operational cargo service program, within these funds NASA should prioritize projects to support additional flight testing, accelerate development of enhanced cargo carrying capability, including pressurized downmass, and develop needed ground infrastructure not otherwise supported within funds provided for within Space Operations."

### **Education**

The Committee provides \$145,800,000 for Education, which is \$36,700,000 below the fiscal year 2010 level and equal to the President's request. The Education account funds science,

technology, engineering, and mathematics education activities to educate and inspire the next generation of explorers and innovators.

**National Science Foundation**

The Committee’s recommendation provides \$7,353,400,000 for the National Science Foundation [NSF]. The recommendation is \$480,890,000 above the fiscal year 2010 enacted level and \$71,000,000 below the budget request.

**Education and Human Resources** - The Committee’s recommendation provides \$892,000,000. The recommendation is \$19,240,000 above the fiscal year 2010 enacted level and the same as the budget request. The education and human resources appropriation supports a comprehensive set of programs across all levels of education in science, technology, engineering and mathematics [STEM].

**Robert Noyce Scholarship Program** - The Committee has provided the requested level of \$55,000,000 for the Robert Noyce Scholarship program. This program helps fill the critical need for STEM teachers in elementary and secondary schools by funding institutions of higher education to provide scholarships, stipends, and programmatic support to recruit and prepare STEM majors and professionals to become K–12 teachers. Scholarship and stipend recipients are required to complete 2 years of teaching in a high-need school district for each year of support.

**Promoting STEM Education Through Competition** - The Committee report states: “The future of U.S. competitiveness rests on our ability to train the next generation of scientists and engineers. The Committee has acted on the ‘‘Rising Above the Gathering Storm’’ recommendation to improve K–12 STEM education by robustly funding the National Science Foundation and other science agencies. The Committee also recognizes the important contributions of groups and organizations that have developed nationwide STEM robotics competitions to inspire and train America’s students. The Committee directs NSF to set aside \$2,000,000 for a competitive program of grants to promote STEM education through robotics competitions. Within 60 days of enactment of this act, the National Science Foundation is directed to provide a report and spend plan to the Committee, which details the scope of the program and the criteria and methodology the agency will employ to award these grants.”