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SPECIAL REPORT: **Commerce-Justice-State** **Appropriations and California** **Implications - August 13, 2001**

On July 18, 2001, by a vote of 408-19, the House passed H.R. 2500, the FY 2002 Appropriations for the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies. It had passed the House Appropriations Committee on July 10 by voice vote after passing at subcommittee level on June 27, also by a voice vote. The Committee Report is H.Rept. 107-139. This analysis of the House bill is available at <http://www.calinst.org/pubs/cjs02h.htm> . A printable version in Adobe Acrobat (pdf) format is available at <http://www.calinst.org/pubs/cjs02h.pdf> . 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 does not mean to imply any relative importance.

The Senate version of the bill, S.1215, passed the Senate Appropriations committee on July 19 by unanimous consent and is still pending before the Senate. A California Institute analysis of that bill will be available at <http://www.calinst.org/pubs/cjs02s.htm> .

The FY 2002 Appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies provides a total of \$38,541,000,000 in discretionary budget authority for those departments and agencies, which is \$599,284,000 above the President's budget request and \$971,974,000 above the amounts enacted for FY 2001.

DEPARTMENT OF JUSTICE

The bill provides \$21.7 billion in new budget authority for FY02 for the Department of Justice. This amount is \$694 million over the FY01 funding level and \$615 million above the President's funding request.

CYBERCRIME AND INTELLECTUAL PROPERTY ENFORCEMENT - Total funding is provided at \$6.9 million for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes and crimes identified in the No Electronic Theft (NET) Act. This represents an increase of \$3 million, 24 positions, and 12 workyears, including 18 attorneys.

IMMIGRATION AND NATURALIZATION SERVICE

The bill provides total spending authority of \$5.64 billion for FY02. An additional \$197 million is provided to the INS for new border patrol agents and increased detention and removal capacity, as well as for continued funding to maintain the interior enforcement initiative begun in FY99. An additional \$45 million is included to continue the naturalization backlog reduction initiative begun in FY99.

BORDER PATROL AGENTS - \$66.3 million, 570 positions, and 143 FTE positions are included for new border patrol agents. House committee report language states, "While some increased level of border control is being witnessed on parts of the Southwest Border, namely in San Diego, as a result of the doubling of border patrol agents and technology in this region, the problem has shifted to other areas along the Southwest Border." It later states, "The Committee expects INS to submit a deployment plan to the Committee for the new agents provided, and expects the plan to pay particular attention to the needs along the Northern Border and areas along the Southwest Border experiencing the influx of illegal aliens due to operations along other parts of the border."

SAN CLEMENTE AND TEMECULA - The bill again contains language requiring that the San Clemente and Temecula checkpoints be fully operational on a continuous 24-hour basis.

H1-B VISA FEES -

CONSTRUCTION - \$128.5 million is provided for construction projects for INS, an increase of \$44,000 above the request and \$4.5 million below the amount in FY01. Of that amount, the following is provided for California construction projects:

Full Construction Projects

Temecula Border Patrol Station	\$6,000,000
El Centro Border Patrol Station	\$6,050,000
Chula Vista Border Patrol Station	\$9,033,000
Brownfield, CA, Lead Mitigation	\$3,925,000
San Diego Border Barriers	\$3,000,000

Detention Facility Construction

El Centro Service Processing Center	\$3,000,000
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STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The bill provides a total of \$2.5 billion in FY02 funding for state and local law enforcement assistance programs. The amount is \$501.8 million above the President's request and \$323 million below the FY01 appropriation.

State Criminal Alien Assistance Program - The bill provides \$565 million for the State Criminal Alien Assistance Program (SCAAP) to partially reimburse state and local governments for the costs of incarcerating illegal criminal aliens. This represents the same funding level as in FY01. In 2000, California and its local governments received \$240.8 million in SCAAP funding.

Local Law Enforcement Block Grant - \$521.8 million is provided for the Local Law Enforcement Block Grant program, which is \$121.8 above the President's request and the same level as the FY01 appropriation. This program provides grants to localities to reduce crime and improve public safety.

Edward Byrne Grants to States - The bill provides \$570 million of which \$70 million is for discretionary grants and \$500 million is for formula grants. The recommended level is \$70 million above the level requested and \$2.2 million above the FY01 amount. These programs help to improve the functioning of the criminal justice system with an emphasis on drugs, violent crime and serious offenders.

Report language in the bill requires that within the amounts available for discretionary grants, the following proposals be considered:

- the Julian Dixon Courtroom and Advocacy Center at the Southwestern University School of Law in Los Angeles;
- the Night Light Program in San Bernardino;
- the San Joaquin Valley Rural Agricultural Crime Prevention Program;
- the City of San Luis Obispo gang prevention project.

COMMUNITY ORIENTED POLICING SERVICES

The bill provides \$1 billion for the Community Oriented Policing Services (COPS) program for FY02, which is \$158 million above the President's request and \$16.5 million below the FY01 level.

Methamphetamine - \$48.4 million is provided for State and local law enforcement efforts to combat methamphetamine production and distribution, to target drug “hot spots,” and to remove and dispose of hazardous materials at clandestine methamphetamine labs. This amount is the same as the President’s request and the FY01 level.

Within the amount provided, the report requires that 13 proposals be considered for grants, including:

- California Department of Justice, Bureau of Narcotic Enforcement for the California Methamphetamine Strategy (CALMS).

Law Enforcement Technology Program - \$150 million is provided for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating and preventing crime. Within the funding provided, the report language requires that the following proposals be considered for funding:

- City of Escondido for communications technology upgrades;
- Placer County for public safety communications upgrades;
- Citrus Heights for technological improvements to centralize the police force;
- City of Sierra Madre for law enforcement equipment for the Emergency Operations Center;
- Arcadia Police Department for the conversion to narrowband radios;
- Long Beach police Department for imaging technology;
- Redlands East Valley Community Justice Center to study and identify new technologies;
- Inyo County for public safety radio communications;
- Sacramento Sheriff’s Department for law enforcement technology systems;
- City of Fresno Police Department for a law enforcement communications system;
- East Palo Alto Police Department for communications and computer equipment;
- Sacramento County for an integrated justice system;
- Solano County Regional law Enforcement Training center for technology infrastructure;
- City of San Francisco for a geographic information crime mapping system;
- Santa Ana Police Department Crime Analysis Unit for equipment purchases;
- Ventura County for an Integrated Justice Information System;
- City of Inglewood police Department for digital records management and equipment; and
- City of Gardena for technology equipment for patrol cars.

Crime Identification Technology Act (CITA) - The bill provides \$103.6 million for CITA projects to improve crime identification methods within and among national, state, and local jurisdictions. Within the funding provided, the report requires that the following proposals be considered for funding:

- Orange County Strategic Integrated Justice System for the electronic linking of law enforcement communities;
- Squad Car Unit Identification (SQUID) program, for remote fingerprint identification programs in Ontario and Rialto, CA, and Redlands, CA; and
- San Diego Police Department for the Criminal Records Management System (CRMS).

Southwest Border Prosecutions - \$50 million is provided for assistance to State and local prosecutors located along the Southwest Border for the costs associated with handling and processing drug and alien cases referred from Federal arrests.

JUVENILE JUSTICE PROGRAMS

The bill provides a total of \$298 million for Juvenile Justice Programs for FY02, the same amount as FY01 and the President’s request. Within the funding provided, the report requires that the following proposals be considered for funding:

- Para Los Niños collaborative program with the LA County Probation Department, schools and community agencies;
- Project Juvenile Assistance Diversion Effort (JADE) in Los Angeles for a juvenile delinquency prevention program;
- L.A.’s BEST youth program; and

- Glendale YMCA for "Your House" shelter and case management program for at-risk youth.

DEPARTMENT OF COMMERCE

The bill provides a total of \$5.2 billion for the U.S. Trade Representative, International Trade Commission and the Department of commerce for FY02.

INTERNATIONAL TRADE ADMINISTRATION

The International Trade Administration will receive \$348 million, \$15 million above the President's request and \$11 million above the FY01 level. Of that, the bill recommends \$27.7 million for Market Access Compliance, \$54,000 above the President's request, and \$2.2 million above FY01. The funding provides the costs of maintaining the new trade compliance and enforcement personnel and strike force teams.

EXPORT ADMINISTRATION

The bill provides \$69 million for the Operations and Administration of the Bureau of Export Administration (BXA), \$4 million above the current year and the same amount as the President's request.

ECONOMIC DEVELOPMENT ADMINISTRATION

The bill provides a total of \$366 million for the EDA, which is equal to the President's request and \$73.4 million below the FY01 level.

Economic Development Assistance Programs - A total of \$334 million is recommended for FY02, \$76 million below the current year and the same as the President's request. Of the amount provided, \$250 million is for Public Works and Economic Development, \$41 million is for Economic Adjustment Assistance, \$24 million is for planning, \$9 million is for technical assistance, including university centers, \$10.5 million is for trade adjustment assistance, and \$500,000 is for research. Report language states that the "Committee expects the EDA to continue its efforts to assist communities impacted by economic dislocations related to coal industry downswings and timber industry downturns due to environmental concerns at no less than the current level of effort."

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- \$750,000 is included in NOAA's budget under Conservation and Management Services for California Sea Lions, a protected species; and
- \$1 million for a Height Modernization Study at the California Spatial Reference Center; and
- \$250,000 for Central California Ozone Study.

NATIONAL MARINE FISHERIES SERVICE

A total of \$135 million is provided for Pacific Salmon restoration, \$110 million under the conservation category, \$20 million for the Northern and Southern Boundary funds, and \$5 million for a direct payment to the State of Washington for the obligations of the 1999 Pacific Salmon Treaty.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Advanced Technology Program- The bill provides \$13 million to fund prior year commitments of the ATP. The President's budget proposed zero funding ATP for new FY02 grants. Committee language states "After many years in existence, the program has not produced a body of evidence to overcome those fundamental questions about whether the program should exist in the first place."