



THE CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH
419 New Jersey Avenue, SE, Washington, D.C. 20003 202-546-3700
Fax: 202-546-2390 E-mail: ransdell@calinst.org Web: <http://www.calinst.org>

SPECIAL REPORT:

Senate Commerce-Justice-State Dept. Appropriations and California Implications - October 4, 2001

By a vote of 97-0 on September 13, 2001, the Senate passed its version of H.R. 1215, the FY 2002 Appropriations Bill for the Departments of Commerce, Justice, State and Related Agencies. It had passed the Senate Appropriations Committee on July 19 by unanimous consent. The Committee Report is S.Rept. 107-42. This Senate bill analysis is available at <http://www.calinst.org/pubs/cjs02s.htm>. A printable version in Adobe Acrobat (pdf) format is also available at <http://www.calinst.org/pubs/cjs02s.pdf>. The following represents 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.

The House passed its version of the bill on July 18, 2001, by a vote of 408 to 19. A California Institute analysis of that bill is available at <http://www.calinst.org/pubs/cjs02h.htm>.

SENATE FISCAL YEAR 2002 APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE AND RELATED AGENCIES

On September 13, the Senate the FY02 Appropriations for the Departments of Commerce, Justice, State, and Related Agencies. The vote was 97-0. Prior to passage, the Senate adopted by voice vote an amendment co-sponsored by Sen. Dianne Feinstein to ease the procedures for law enforcement officials to obtain federal judicial approval for wiretaps. The bill also contains substantial funding to combat terrorism, including \$23 million to create a new position in the Justice Department focused on terrorism.

Detailed below is an analysis of other provisions in the bill of particular interest to California.

DEPARTMENT OF JUSTICE

The Senate bill provides \$21.5 billion in funding for the Department of Justice, and places a strong emphasis on law enforcement activities for FY02.

CYBERCRIME AND INTELLECTUAL PROPERTY ENFORCEMENT - The bill provides \$10 million, representing 100 positions, and 50 full time equivalent (FTE) employees, including 55 attorneys, to augment the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes and crimes under the No Electronic Theft (NET) Act. The Committee directs the U.S. Attorneys to "vigorously prosecute" copyright violations and requires them to provide Congress with a report on the number of copyright cases prosecuted in the preceding year no later than April 30, 2002.

U.S. MARSHALS SERVICE

The bill provides funding for the following:

U.S. Marshals Service Courthouse Security Equipment:

 Detainee Facilities:

El Centro	\$315,000
San Francisco	\$200,000

Construction:

 Detainee Facilities:

San Diego	\$1,800,000
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 Planning, Design, and Relocation:

El Centro	\$32,000
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DRUG ENFORCEMENT ADMINISTRATION

Methamphetamine Initiative -The bill provides \$32.85 million, an increase of \$5.4 million over FY01, to continue DEA’s efforts to investigate and stop methamphetamine production and trafficking.

IMMIGRATION AND NATURALIZATION SERVICE

The bill provides \$3.176 billion in salary and expenses funding for the INS including:

Border Patrol Agents - \$75 million for 570 new Border Patrol agents. The Committee report notes, however, the understaffing of agents along the northern border, and requires that of the 570 new agents no less than 25 percent will be deployed to the northern border. There are currently 9,545 Border Patrol Agents, and 1,767 land border inspectors.

Construction - The bill recommends an appropriation of \$205 million for INS construction, an increase of \$76.6 million above the budget request. Specific construction projects in California are:

Border Patrol - New Construction

El Centro Border Patrol Station	\$2,000,000
Campo Border Patrol Station	\$6,800,000
San Clemente Checkpoint	\$3,400,000
El Cajon Border Patrol Station	\$14,273,000

Detention - New Construction

El Centro Service Processing Center	\$3,000,000
San Pedro Service Processing Center	\$3,864,000
Stockton Service Processing Center	\$3,160,000

Servicewide Maintenance, Repair & Alteration

Western Region	\$2,113,000
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FEDERAL PRISON SYSTEM

The bill includes \$1,554,000 in funding for the activation of a prison facility at Atwater, CA. Funding of \$147,000,000 is also provided for a U.S. Prison Western Facility in California with a workcamp. \$10.8 million is also provided for low security capacity expansions at several locations in the United States, including Lompoc, CA.

OFFICE OF JUSTICE PROGRAMS

The bill recommends an appropriation of \$564,738,000, the same as the budget request. The funding provides for justice assistance to the States for research, evaluation, statistics,

information sharing, emergency assistance, missing children assistance, counterterrorism programs, and the management and administration of grants provided through the Office of Justice Programs.

State and Local Law Enforcement Assistance - The bill recommends an appropriation of \$2,089,990,000, \$169,261,000 below the budget request. Included in the funding is:

State Criminal Alien Assistance Program (SCAAP) - The bill recommends \$265 million in funding for SCAAP, \$300 million below last year's appropriation. However, the report language states that the Committee will entertain a reprogramming request from the Department of Justice "on this important issue addressing funding or administration requirements."

Edward Byrne Grants to States - The bill recommends \$578,125,000 in funding for Byrne Grants, of which \$78,125,000 is for discretionary grants and \$500,000,000 is for formula grants. Of the money provided for discretionary grants, the Committee earmarks several projects, including \$500,000 for the Solano County and Napa County Regional Law Enforcement authority for equipment; and \$1,300,000 for the California Rural Crime Prevention and Prosecution project.

COMMUNITY ORIENTED POLICING SERVICES (COPS)

The bill recommends \$1,019,874,000 in funding, \$164,765,000 above the Administration's request.

COPS Technology Program - The Committee report includes language directing the following:

- \$3 million for an Integrated Justice Information System in Ventura County; and
- \$3 million to the Fresno Police Department for technology upgrades.

COPS Methamphetamine/Drug "Hot Spots" Program - \$20 million for the Drug Enforcement Administration to cover the costs associated with the cleanup and disposal of clandestine methamphetamine labs.

JUVENILE JUSTICE PROGRAMS

The bill provides \$328,507,000 for Juvenile Justice Programs, an increase of \$25,015,000 over the budget request.

RELATED APPROPRIATIONS

\$121.23 million was included in the FY02 Senate Treasury-Postal Appropriations for the Fresno Courthouse construction project. The bill also included \$13 million for repairs and safety improvements to the Edward Schwartz Federal Building in San Diego, and \$11.7 million for repairs to the Chet Holifield Federal Building in Laguna Niguel.

DEPARTMENT OF COMMERCE

The bill recommends \$5.663 billion for the U.S. Trade Representative, the International Trade Commission, and the Department of Commerce for FY02. This is \$491.7 million above the Administration's request.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Economic Development Administration provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. The bill recommends \$371,557,000 in funding, an increase of \$6 million over the budget request.

ADVANCED TECHNOLOGY PROGRAM

The bill provides \$204.2 million for FY02, an increase of \$191.2 million over the budget request. Report language states that this amount combined with \$11 million in carryover funds will fully fund ATP awards at current levels.

NATIONAL MARINE FISHERIES SERVICE

The bill provides \$555,775,000 in funding for the National Marine Fisheries Service, which is \$42,261,000 below the budget request. Among several specific earmarks are the following:

Fisheries Research and Management Services - \$100,000 is provided for Observers/Training for California Longline.

Conservation and Management Services - \$750,000 is provided for Protected Species Management for California Sea Lions.

Dungeness Crab Fishery - The Committee report extends until September 30, 2006, the requirement that the Pacific State Marine Fisheries Commission submit a report every two years on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.

NATIONAL OCEAN SERVICE

The bill recommends \$60,000 for the coastal and estuarine land conservation program to acquire lands to further the goals of the Coastal Zone Management Program or a National Estuarine Research Reserve. Of the amount provided, the following California projects are funded:

- \$3 million for Elkhorn Slough; and
- \$3 million for Ls Cerritos Wetlands, Long Beach.

PACIFIC COASTAL SALMON RECOVERY

A total of \$133,940,000 is provided for Pacific Coastal Salmon conservation efforts, including \$10,075,000 to the State of California. Additionally, of the \$10 million provided to the State of Oregon, the Committee report requires that \$1 million be used to address natural threats to the southern Oregon/northern California coho salmon in the Klamath River.

GEODESY - \$1 million is provided for a height modernization study for the California Spatial Reference Center.

OCEANIC AND ATMOSPHERIC RESEARCH - \$500,000 is provided for the Central California Ozone Study.

U.S. AND FOREIGN COMMERCIAL SERVICE - Report language commends the U.S. and Foreign Commercial Service for consolidating export assistance centers in Santa Clara and San Jose into the Silicon Valley U. S. Export Assistance Center. However, the Committee notes that new centers were opened in Las Vegas and Indio, California, and "remains concerned about the number of centers in certain metropolitan areas and directs the U.S. Foreign and Commercial Service to provide a report to the Committees on Appropriations on its consolidation efforts by January 15, 2002.

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, U.S./Mexico - \$7.5 million is provided for salary and expenses. \$24.1 million is provided for construction, which is \$1.5 million below the budget request.

Border Environment Cooperation Commission - \$2 million is provided for studies, investigations, solid waste projects, and other operations of the BECC.