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# **SPECIAL REPORT:**

## **Senate Commerce-Justice-State Appropriations and California Implications -- *August 8, 2002***

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On Thursday, July 18, 2002, the Senate Appropriations Committee approved and reported S. 2778, its version of the fiscal year 2003 Appropriations for the Departments of Commerce, Justice, State and Related Agencies. The Committee Report accompanying the bill is S. Rpt. 107-218. The total funding included in the bill is \$47.1 billion, roughly \$2.8 billion more than the FY 2002 appropriations.

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.

This appropriations analysis is available on the California Institute web site at <http://www.calinst.org/pubs/cjs03s.htm> . A printable version in Adobe Acrobat (“pdf”) format is also available at <http://www.calinst.org/pubs/cjs03s.pdf> .

### **DEPARTMENT OF JUSTICE**

The Senate Appropriations Committee recommended \$25,780,035,000 in new budget authority for the Department of Justice with a “strong emphasis on law enforcement activities for fiscal year 2003.” This is about \$2.075 billion more than the FY02 appropriated amount, and roughly \$2.98 billion over the FY03 budget estimate.

### **STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**

The Senate Committee provided no funding for the State Criminal Alien Assistance Program (SCAAP), which partially reimburses state and local governments for the costs of incarcerating illegal criminal aliens. In FY02, the Committee recommended \$265 million. The House, however, appropriated \$565 million in FY02 funding, and that level was retained in the final FY02 conference report. California has historically received about 40 percent of SCAAP funding, collecting over \$225 million in FY01 funds. California’s state and local governments are estimated to spend about \$13 billion in illegal criminal alien incarceration costs.

## **STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE**

The Senate Committee recommends an appropriation of \$1,827,715,000 for State and Local Law Enforcement Assistance. This recommendation is \$1,075,837,000 above the budget request. Included in that funding are the following programs:

### **Local Law Enforcement Block Grant**

The Senate Committee recommendation includes \$400,000,000 to continue the local law enforcement block grant program, which provides grants to localities to reduce crime and improve public safety. The amount is equal to the amount provided in FY02, and \$400 million above the President's request.

### **Edward Byrne Grants to State**

The Senate Committee recommendation provides \$594,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$94,000,000 is for discretionary grants and is \$500,000,000 for formula grants. This amount is \$489,000 below the FY02 level, and \$594 million above the President's request.

Within the amount provided for formula grants, the Committee report states that the Committee expects the Bureau of Justice Assistance [BJA] to provide funding to the following:

- \$80,000 to the Marysville police department for a mobile command center;
- \$1,300,000 for the San Joaquin Valley Rural Agricultural Crime Prevention Program;
- \$750,000 to the City of Fairfield for planning, equipment, and training necessary for response in the event of an emergency involving hazardous materials; and
- \$180,000 for the Homeless Outreach Team (HOT) in San Diego, which assists the homeless in San Diego in being placed in the appropriate social services programs.

## **COMMUNITY ORIENTED POLICING SERVICES**

### **Violent Crime Reduction Programs**

The Senate Committee recommends \$1,062,628,000 for the Community Oriented Policing Services (COPS). The recommendation is \$319,234,000 below the budget request, which included \$800,000,000 for the proposed Justice Assistance Grant Program that was to be transferred to the Office of Justice Programs and that the Committee does not fund. Included in this funding are the following programs:

### **COPS Hiring Program**

The Senate Committee recommends \$330,000,000 for the COPS hiring program. Within the amounts available for officer hiring, up to \$180,000,000 is available for the hiring of school resource officers.

### **Methamphetamine Enforcement and Clean-Up**

The Senate Committee recommends \$45,000,000 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. This amount is \$25 million above the President's request of \$20 million. According to the Committee Report, "since fiscal year 1998, COPS has provided \$141,900,000 in funding to more than 60 State and local law enforcement agencies to hire personnel, purchase equipment, and clean-up labs, as

well as obtain training in methamphetamine related interdiction tactics, investigation, and prosecution.”

The Committee did not earmark any specific California proposals for funding.

### **Crime-Fighting Technologies Programs**

#### **Law Enforcement Technology Program**

The Senate Committee recommends \$118,615,000 for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. The Committee Report states that within the amount provided, “the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$500,000 to the City of El Centro for the purchase of 800 MHZ portable and mobile radios for emergency operations;
- \$2,000,000 to the City of Oceanside to upgrade the public safety radio system; and
- \$300,000 to the City of Santa Rosa for radio communications and emergency response systems upgrades.

### **Prosecution Assistance Programs**

#### **Southwest Border Prosecutions**

The Senate Committee recommends \$50,000,000 to provide assistance to State and local prosecutors located along the Southwest border, including the integration and automation of court management systems. This program will provide financial assistance to Texas, New Mexico, Arizona, and California for the State and local costs associated with the handling and processing of drug and alien cases referred from Federal arrests.

### **JUVENILE JUSTICE PROGRAMS**

The Senate Committee recommends an appropriation of \$298,425,000. The recommendation is \$40,624,000 above the budget request.

#### **Juvenile Justice and Delinquency Prevention**

The Senate Committee recommendation includes a total of \$298,425,000 for administrative expenses and grants to States and localities for projects in the areas of education, research, prevention, and rehabilitation, including:

- \$500,000 to the City of Los Angeles for the Family Violence Program.

### **IMMIGRATION AND NATURALIZATION SERVICE**

#### **Border Patrol Staff and Equipment**

The Senate Committee recommendation includes an additional \$76,276,000 for 570 additional Border Patrol agents, as authorized, and \$25,000,000 to transfer 285 experienced Border Patrol agents to the Northern border. Along with additional personnel, the recommendation includes an additional \$28,000,000 to enhance the Enforcement Case Tracking System [Enforce] database and to deploy additional biometric equipment to better document and track the investigation, identification, apprehension, detention, and/or removal of immigration law violators.

#### **Entry-Exit System**

The Senate bill would provide \$362 million for Entry-Exit System programs, including \$141 million for the Enhanced Border Security and Visa Entry Reform Act, sponsored by Sen. Dianne Feinstein.

However, the Senate Committee Report contains the following language, restricting the expenditure of these funds:

The Committee has begun to analyze the full implications of the Enhanced Border Security and Visa Entry Reform Act of 2002, the USA Patriot Act of 2001, the Visa Waiver Permanent Program Act of 2000, the Immigration and Naturalization Service Data Management Improvement Act of 2000, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the Immigration Act of 1990 on travel to and from the United States by Americans and foreigners. In brief, to fully implement laws currently on the books, it will be necessary for every traveler leaving or entering the United States, be they U.S. citizens or not, to be fingerprinted and to carry a machine- readable, tamper-proof travel document with at least one unique biometric identifier. Information on all travelers, including biographical information, bio-metrics, and entry and exit dates, will be retained within a central database, readily available to Federal, State, and local law enforcement agencies. Mandatory interviews for visa applicants will be required to provide necessary intelligence information and certain aliens will be required to register periodically (reciprocity being the hallmark of diplomacy, it should be expected that similar requirements would be imposed on U.S. citizens seeking visas for travel abroad). Cost estimates to properly implement the current body of law runs into the tens of billions of dollars. While the Committee includes the \$362,000,000 requested for the Entry-exit system, it is unclear what this system is or will become, and how it will address these expansive directives. Accordingly, no funds shall be obligated or expended until a spend plan has been submitted to and approved by the Committees on Appropriations.

**Land Border Inspectors**

The Senate Committee recommends \$34,000,000 to hire, train and deploy 460 additional immigration inspectors that will enhance border security at land border ports-of-entry.

**UNITED STATES MARSHALS SERVICE**

**Construction**

El Centro, CA ..... 600,000

In report language regarding the Marshals Service, the bill notes that the FY 2002 appropriations bill directed the Marshals to develop two task forces - one in New York and one in Los Angeles - dedicated full-time to the pursuit of the most dangerous fugitives on the eastern and western seaboard. The text expresses concern that the task forces are underfunded, recommends two additional task forces, and funds all four task forces with approximately \$8 million for FY03.

**FEDERAL PRISON SYSTEM**

The Senate Committee recommends total budgetary resources of \$4,083,237,000 for the salaries and expenses of the Federal prison system for fiscal year 2003. The recommendation is \$1,472,000 above the budget request.

**Activation of New Prisons**

The Senate Committee recommendation includes funding for activation of four new facilities which will add 4,416 beds: FCI Gilmer, West Virginia, USP Big Sandy, Kentucky, USP McCreary County, Kentucky, and USP Victorville, CA.

**DEPARTMENT OF COMMERCE AND RELATED AGENCIES**

**ECONOMIC DEVELOPMENT ADMINISTRATION**

The Economic Development Administration [EDA] provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. The Senate Committee Report recommends an appropriation of \$366,211,000. The recommendation is \$18,211,000 above the budget request. The Committee recommendation includes the fiscal year 2002 funding level and a 4.1 percent pay adjustment for Federal employees.

**Economic Development Assistance Programs**

The Senate Committee recommends an appropriation of \$335,000,000. The recommendation is \$17,765,000 above the budget request and is identical to the fiscal year 2002 funding level. The Committee recommendation provides funding of \$250,000,000 for public works grants (title I), \$24,000,000 for planning assistance, \$10,500,000 for trade adjustment assistance, \$40,900,000 for economic adjustment grants (title IX), and \$9,100,000 for technical assistance.

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**NATIONAL OCEAN SERVICE**

The Senate Committee recommends \$60,000,000 for the coastal and estuarine land conservation program. This program provides funds for matching grants to States, communities, and groups engaged in land conservation efforts that benefit coastal and estuarine areas. According to the Committee Report: "These funds will be used expressly to acquire lands or interests in lands that include significant conservation, recreation, ecological, historical or aesthetic values to further the goals of a federally approved Coastal Zone Management Program or a National Estuarine Research Reserve."

Included in the funding is:

- \$2,000,000 for Morro Bay Dunes in California, and
- \$2,000,000 for Los Cerritos Wetlands in California.

**Procurement, Acquisition, and Construction - NOS**

**Coastal and Estuarine Land Conservation Program (CELP):**

Los Cerritos Wetlands, CA .....	\$2,000,000
Morro Bay Dunes, CA .....	\$2,000,000

**Geodesy**

Height Modernization Study CA .....	\$1,000,000
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**OCEANIC AND ATMOSPHERIC RESEARCH**

**Climate Partnership Programs:**

Central CA Ozone Study ..... \$500,000

**NATIONAL MARINE FISHERIES SERVICE**

**Conservation and Management Services**

Protected Species Management—California Sea Lions ..... \$750,000

**Fisheries Research and Management**

The Senate Committee recommends that the \$750,000 for the Interstate Fish Commissions be equally divided among the three commissions. The Report also states: “The Committee recommends that NMFS double its effort with regard to California Co-operative Fisheries Investigation cruises”.

**PACIFIC COASTAL SALMON RECOVERY FUND**

The Senate Committee recommends \$115,000,000 for Pacific Coastal Salmon conservation to be funded under the conservation category. Of this amount, \$95,000,000 is for the Pacific Coastal Salmon Recovery Fund. Within the funding for the Pacific Coastal Salmon Recovery Fund, the Committee recommends \$30,050,000 for the State of Washington, \$24,650,000 for the State of Alaska, \$14,000,000 for the State of Oregon, and \$14,000,000 for the State of California.