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## **SPECIAL REPORT: Commerce- Justice-State Appropriations for FY 2004 (House Version) and California Implications -- *September 2003***

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### **FY 2004 HOUSE APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE, STATE, JUSTICE AND RELATED AGENCIES**

On July 23, 2003, the House passed the FY04 Appropriations for the Departments of Commerce, State, Justice and Related Agencies (H.R. 2799). The vote was 400-21. The \$38 billion total discretionary authority for the Departments and agencies is \$237.3 million above the Administration's request and \$700 million above the amounts enacted for fiscal year 2003. The Committee also recommends \$648,5 million for mandatory programs funded within this bill.

#### **DEPARTMENT OF JUSTICE**

The Committee recommends \$20 billion in discretionary funding for the Department of Justice. This level is \$528 million above the fiscal year 2003 level and \$1.2 billion above the President's request.

Among the highlights cited by the Committee are: \$3.5 billion to assist State and local law enforcement to fight crime, which is \$1.16 billion above the President's request and includes: the Edward Byrne Memorial Formula program (\$500 million), the Local Law Enforcement Block Grant program (\$400 million), the State Criminal Alien Assistance Program (\$400 million), juvenile justice and accountability programs (\$462 million), law enforcement technologies (\$100 million), the DNA backlog elimination program (\$174 million), and violence against women prevention and prosecution programs (\$387 million).

#### **U.S. Attorney's Office**

**Cybercrime and Intellectual Property Enforcement** - According to the Committee Report, "25 percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. Other industries have suffered from similarly high rates of counterfeiting, including pharmaceuticals, videos, and music. The estimate of lost revenue to these industries exceeds \$300 billion annually." Therefore, the Committee includes in its funding for the U.S. Attorney's Office \$10 million for the continued pursuit of Federal copyright law violations and software counterfeiting crimes." The Report directs the U.S. Attorneys to report to the Committee

by April 1, 2004, on the number, type and location of copyright prosecutions undertaken in the preceding year.

### **Drug Enforcement Agency**

Methamphetamines - The Committee Report states that the Committee: "is also concerned with the continuing problem of methamphetamine use across the United States, particularly since meth traffickers are sometimes also involved in the distribution of marijuana, cocaine and heroin. The Committee expects the DEA to continue working with OJP [Office of Justice Programs] on implementation of methamphetamine programs, and with State, local, and other Federal law enforcement entities to combat this problem. The Committee expects the DEA to continue its participation in the High Intensity Drug Trafficking Areas, particularly those operating in the Midwest, to combat the influx of methamphetamines. To ensure the DEA has the ability to effectively monitor clean-up of methamphetamine labs, the Committee includes an increase of \$700,000 for contract oversight and management.

### **Federal Prison System**

The Committee includes a total of \$240,515,000, to be distributed as requested, for the activation costs of Victorville, CA FCI; Hazelton, WV USP; Forrest City, AR FCI; Herlong/Sierra, CA FCI; Williamsburg, SC FCI; Canaan, PA USP; and Terre Haute, IN USP. This amount will provide for the activation of 7,872 new beds. The recommendation also includes funding from FPI product sales to activate factories in these facilities.

### **Office of Justice Programs**

The Report states that the "Committee finds the Administration's budget request, which proposes a \$1.3 billion, or 35 percent, reduction in funding for State and local law enforcement assistance to be ill-conceived and profoundly inadequate. In order to address State and local law enforcement requirements, the Committee recommends a total of \$3,491,261,000 in new budget authority for crime fighting grant programs for fiscal year 2004, \$1,160,029,000 above the Administration's request." Further, the Report states: "The Committee does not adopt the Administration's proposal to consolidate this appropriation under the Justice Assistance heading."

The following programs are funded through OJP:

**State Criminal Alien Assistance Program.**—The recommendation provides \$400,000,000 for the State Criminal Alien Assistance Program (SCAAP) for reimbursement to States for the costs of incarceration of criminal aliens. The budget request proposed the elimination of this program. The recommendation is \$151,625,000 above the fiscal year 2003 level.

**Local Law Enforcement Block Grant.**—The Committee recommendation includes \$400,000,000 for the Local Law Enforcement Block Grant program, which is \$2,600,000 above the fiscal year 2003 appropriation and \$400,000,000 above the request. This program provides grants to local law enforcement agencies to reduce and prevent crime.

**Edward Byrne Grants to States.**—The Committee recommendation provides \$615,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$115,000,000 is for discretionary grants and \$500,000,000 is for formula grants under this program. These grants help to improve the functioning of the criminal justice system with an emphasis on drugs, violent crime and serious offenders.

Within the amounts appropriated for discretionary grants, the Committee “expects OJP 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:”

- Redlands, CA, Police Department for a crime mapping project;
- Orange County, CA, for a mobile regional gang enforcement team;
- Gun Crimes Reduction Task Force in Ventura County, CA;
- San Joaquin Valley Rural Crime Prevention Program;
- Stanislaus County, CA, Meth Gang Enforcement Project;
- Kern County, CA, District Attorney for equipment to assist in criminal gang investigations;
- California Department of Justice for the San Francisco Bay area sexual assault screening program;
- Law enforcement information sharing center in CA;
- County of Santa Clara, CA, for the Financial Abuse Specialist Team;
- San Jose, CA, Police Department for law enforcement enhancements.

### **Weed and Seed Program Fund**

The recommendation provides \$51,811,000 for the Weed and Seed program for fiscal year 2004, which is equal to the request and \$6,731,000 below the fiscal year 2003 level.

### **Community Oriented Policing Services**

The Committee recommendation includes \$682,993,000 for the Community Oriented Policing Services (COPS) program for fiscal year 2004. Included in this program is funding for:

**Methamphetamine Enforcement and Clean-Up.**—The Committee recommends \$60,000,000 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 \$3,239,000 above the fiscal year 2003 appropriation and \$40,000,000 above the request. Within the amount provided, the Committee has included \$20,000,000 to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs.

In addition, within the amount provided, 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 Department of Justice, Bureau of Narcotic Enforcement, for the California Methamphetamine Strategy (CALMS);
- Riverside County, CA, Sheriff’s Department to combat production and distribution of methamphetamine;
- Phoenix House for methamphetamine programs in Los Angeles, CA.

**Law Enforcement Technology 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. 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:

- East Valley Community Justice Center in CA;
- California Highway Patrol for in-car law enforcement technologies;
- University of Southern California Advanced Simulation Training for law enforcement research;

Grants for technology improvements to police and sheriff's departments in communities that are in need of modernizing their equipment to improve their crime prevention and investigative capabilities and for which alternative sources of funding are not available, including: Carlsbad; Placer County; San Bernardino; Los Angeles County; Murrieta; Sacramento County; County of Contra Costa; San Francisco; Lakewood; City of Fullerton; Rosemead; West Covina; and San Luis Obispo County.

**Southwest Border Prosecutions.**—The Committee recommends \$40,000,000 to assist 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.

### **Justice Assistance**

The Committee recommends \$209,131,000 for the Justice Assistance account for fiscal year 2004. The Justice Assistance program includes assistance to States and localities in the form of research, evaluation, statistics, information sharing, missing children assistance, and management and administration of grants provided through OJP.

### **Juvenile Justice Programs**

The Committee recommendation provides a total of \$462,282,000 for Juvenile Justice Programs for fiscal year 2004. The budget request proposes to fund juvenile justice programs under the Justice Assistance heading. The Committee recommendation is \$195,098,000 above the request for similar juvenile justice programs.

Within the overall amounts recommended under Part E, OJP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committee on its intentions regarding:

- IMPACT/Night Light Program in San Bernardino County, to team police officers with probation officers to reduce juvenile crime;
- City of Downey for an anti-gang program;
- Huntington Park for juvenile assistance activities at the Police Department Regional Youth Center;

- Los Angeles, BEST for delinquency prevention programs;
- City of Rialto for the Police Activities League program;
- Studio LAB in Los Angeles for programs for at-risk youth;
- Cypress Park Youth and Family Center in Los Angeles, for programs for at-risk youths;
- Echo Park for El Centro Del Pueblo youth programs;
- A Place Called Home in Los Angeles for a delinquency prevention program;
- Hacienda-La Puente Unified School District for the Seniors With Interests in New Generations Delinquency Prevention Program;
- Santa Barbara, CA, Police Department for the Police Activities League; and
- Martin Luther King, Jr. Freedom Center in Oakland, to promote conflict resolution and decrease youth violence.

## **DEPARTMENT OF COMMERCE**

The Committee recommendation includes a total of \$5,258,561,000 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 2004, \$471,903,000 below the current year level, excluding supplemental amounts, and \$558,283,000 below the request.

### **Economic Development Administration**

The Committee includes of \$318,680,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2004, as described below:

#### **Economic Development Assistance Programs**

A total of \$288,115,000 is included for fiscal year 2004 for Economic Development Assistance Programs. The Committee continues the traditional programs of the EDA to provide needed assistance to communities struggling with long-term economic dislocation, as well as sudden and severe economic dislocation. Of the amounts provided, \$203,115,000 is for Public Works and Economic Development, \$40,900,000 is for Economic Adjustment Assistance, \$24,000,000 is for planning, \$9,100,000 is for technical assistance, including university centers, \$10,500,000 is for trade adjustment assistance, and \$500,000 is for research.

#### **National Ocean Service**

The Committee recommendation includes a total of \$363,239,000 for activities of the National Ocean Service (NOS) for fiscal year 2004, which is \$27,793,000 below the request and \$66,504,00 below the current year.

Included in that funding is the following:

Height Modernization Study, CA	\$1,000,000
Ocean Resources Conservation & Assessment Monterey Bay Watershed	\$500,000

#### **National Marine Fisheries Service**

The Committee recommendation includes \$545,072,000 for the operations of the National Marine Fisheries Service (NMFS), which is \$131,250,000 below the current year and \$75,885,000 below the request.

**Northern Right Whale Protection.**—The Committee includes a total of \$12,621,000, which is \$2,685,000 above the fiscal year 2003 level and \$5,771,00 above the request. The Report states: “The Committee directs NMFS to continue efforts with regard to California Cooperative Fisheries Investigation cruises.”

**Pacific Coastal Salmon Recovery.** – The Committee includes \$90,000,000 for this purpose. The Report states: “The Committee notes the lack of accountability and performance standards for resources distributed to restore endangered and threatened salmon through the Pacific Coastal Salmon Recovery Fund. The Committee continues to allow up to one percent of these amounts to be made available to NOAA to improve the measurement of program performance.”