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SPECIAL REPORT: **Commerce-Justice State** **Appropriations and California** **Implications - June 22, 2000**

The California Institute presents here a quick analysis of several of the California details of the House version of the FY 2001 Appropriations bill for the Departments of Commerce, Justice and State, which was passed June 14 by the House Appropriations Committee. The bill is numbered H.R. 4690, and the corresponding committee report is House Report 106-680. 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 report is available on our website at <http://www.calinst.org/pubs/cjsapp01.htm> or in Adobe Acrobat (pdf) format at <http://www.calinst.org/pubs/cjs01.pdf>.

DEPARTMENT OF JUSTICE

- \$2.8 billion for state and local law enforcement assistance, which includes restoration of the Local Law Enforcement Block Grant program at \$523 million and the Truth-In-Sentencing State Prison Grant program at \$521.5 million;
- \$595 million for the Community Oriented Policing Services (COPS) program, which is the same as FY00 funding.

CYBER CRIME AND INTELLECTUAL PROPERTY

- \$3.95 million, 50 positions and 25 full-time-equivalent (FTE) positions, including 28 attorneys, to enhance the investigation and prosecution of computer and intellectual property crimes.

EDWARD BYRNE MEMORIAL STATE AND LOCAL ASSISTANCE PROGRAM

The bill provides \$552 million in funding, of which \$500 million is for formula grants to the states and \$52 million is for discretionary grants. Under the discretionary grant program, the committee instructs the Bureau of Justice Assistance to examine and award grants if warranted to several projects, including a community court pilot project in Los Angeles.

IMMIGRATION AND NATURALIZATION SERVICE

The Committee recommends total new budget authority of \$4.7 billion, and increase of \$410 million over FY00, but \$178 million below the President's budget request.

SCAAP

The bill includes \$585 million in funding for the State Criminal Alien Assistance Program (SCAAP), which partially reimburses the states for the costs of incarcerating illegal criminal immigrants. The figure is the same as that appropriated in both FY99 and FY00. In FY98-99, California received about \$244 million from SCAAP.

ENFORCEMENT AND BORDER AFFAIRS

The bill includes a total \$2.5 billion for Enforcement and Border Affairs, including the following program increases:

- \$52 million for 430 positions and 215 full time equivalent (FTE) positions for new border patrol agents. However, the committee report chastises the Immigration and Naturalization Service for only filling 2,630 new agent positions, despite congressional funding for 4,430 new agents.

- \$6.7 million funding for inspectors at land border Ports of Entry for 72 new positions and 36 FTE positions;

- \$11 million for 100 positions and 50 FTE for 23 additional Quick Response Teams to work with state and local law enforcement officers to take into custody and remove deportable aliens; and

- an additional \$5 million for 46 positions and 23 FTE to expand the ongoing criminal Alien Apprehension Program (CAAP) to identify and deport criminal aliens in local and county jails.

In report language, the House Committee notes that the number of border patrol agents has increased 136% over the preceding four years, and comments that “while the stream of illegal aliens may have slowed in the San Diego area, it has moved east to Arizona, New Mexico, and Texas.” Later, the report again cites San Diego as an area with “some level of border control.”

INS CONSTRUCTION PROJECTS

Border Patrol Stations:

- \$500,000 for Tuscon (AZ/CA);
- \$4 million for El Centro;
- \$5.4 million for Temecula;
- \$5 million for Campo;
- \$3.3 million for San Diego; and
- \$307,000 for El Cajon.

Detention and Deportation Projects:

- \$800,000 for San Pedro; and
- \$300,000 for El Centro.

The House committee report notes that a backlog of applications is overwhelming INS, and singles out 11 INS areas in which there have been serious problems and Member complaints, including San Francisco and Ventura, California. Also in discussion of naturalization backlogs, the House report expresses expectation that INS will continue the San Jose customer service pilot project

In report language, the House Committee expressed concern that past “commuter lane” language requiring that the San Clemente and Temecula checkpoints be fully operational on a 24-hour basis has not been fully implemented, and directs INS to submit a report to the Committee by August 15, 2000.

NINTH CIRCUIT COURT OF APPEALS

The House Committee singled out the workload in the Southwest Border region as being a significant drain of federal court resources, noting that over the last six years, criminal cases in the Southwest have grown by 125 percent, while probation officers and other court staff have grown by only 30 percent. The report states that if funding provided for all Court of Appeals activities falls short, “the Committee expects the Judiciary to direct them to address staffing needs in courts which are experiencing significant workload increases, especially as a result of the demands along the Southwest Border.”

In addition, the House report commends the Ninth Circuit for its outstanding effort to date to reduce California’s high costs of capital *habeas corpus* representation, but still complains that the average cost in California is still almost twice the national average.

FEDERAL PRISON SYSTEM

The bill provides for an FY01 funding level of \$3.5 billion, including funds to activate new prison facilities in Atwater, CA and to expand facilities in Lompoc, CA.

COPS TECHNOLOGY PROGRAM

Within the COPS program, the bill proposes \$100 million for a law enforcement technology program, to promote development of technologies and automated systems to assist State and local law enforcement agencies in investigating and preventing crime. From these funds the report specifies that the

Ventura County Integrated Justice Information System should continue to receive funding, and the committee urges fair consideration of a grant for a California Highway Patrol communications system as well as of proposals for equipment modernization in Riverside, Orange County, Citrus Heights, Sierra Madre and Bell Gardens.

COPS METHAMPHETAMINE/DRUG HOT SPOTS PROGRAM

A total of \$45.6 million is appropriated for State and local law enforcement programs to combat methamphetamine production and distribution. This is \$10 million more than last year's appropriation. From these funds, the committee instructs the COPS office to evaluate and award if warranted a grant to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs.

JUVENILE JUSTICE PROGRAMS

A total of \$287.1 million is provided for Juvenile Justice Programs for FY01, \$1.9 million below the President's request, and the same as provided in the current fiscal year. Under these programs, the Committee instructs the Office of Juvenile Crime Control and Delinquency Prevention to continue current year funding for the L.A. Best Youth program.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of \$4.4 billion for the U.S. Trade Representative, International Trade Commission, and Department of Commerce, which is \$287 million below the FY 2000 level, following reduction of one-time costs of conducting the 2000 decennial census.

BUREAU OF EXPORT ADMINISTRATION

A total of \$53.8 million is appropriated for the Operations and Administration of the Bureau of export Administration. Of that amount \$24.8 million is provided for export enforcement activities, an increase of \$1.27 million above the current year's appropriations. These funds are provided for continuing export operations, including computer export verification to assure no end-use diversion of high performance computers overseas, including to China.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

\$361.9 million is appropriated for Economic Development Assistance, the same as the current year's funding and \$45.8 million below the President's request. Of that amount, \$31.45 million is provided for Defense Conversion programs, \$34.6 million for Economic Adjustment Assistance, and \$10.5 million for Trade Adjustment Assistance.

ADVANCED TECHNOLOGY PROGRAM

The Committee eliminates funding for the Advanced Technology Program, which received \$142.6 million in FY00, and for which the President's budget requested \$198.6 million. The Committee states that after many years in existence, the program has not shown that it achieves results that could not be achieved through the private marketplace; or funds technology development and commercialization that would not have been undertaken otherwise; or whether the federal government should be involved in picking technologies to be developed at considerable government expense.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Within NOAA funds, the House report specifies that \$250,000 is to be used to supplement base funding for a study of the impact of California sea lions and harbor seals on the West Coast.

DEPARTMENT OF STATE

INTERNATIONAL BOUNDARY AND WATER COMMISSION

A total of \$25.4 million is appropriated for the International Boundary and Water commission, United States and Mexico, the same as provided in FY00. The amount provided includes funding for the

operation and maintenance of the South Bay International Wastewater Treatment Plant. The Committee recognizes the continuing concerns about the contamination of beaches in Southern California resulting from sewage flows and encourages the Commission to continue its monitoring efforts to better identify and address the specific sources of this pollution.