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SPECIAL REPORT:

Commerce, Justice, State Appropriations for FY 2005 (House Version) and California Implications -- August 18, 2004

On July 8, 2004, the House of Representatives passed the FY05 appropriations for the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies (H.R. 4754) by a vote of 397-18. The House Report accompanying the bill is H.Rpt. 108-576.

The following is a quick analysis of the Appropriations from a California perspective, prepared by the California Institute. We apologize for errors or omissions in our discussion, and would appreciate any input or feedback on how to make improvements. The ordering of items generally reflects their appearance in the bill and does not imply relative importance.

This report is available at <http://www.calinst.org/pubs/cjs05h.htm> and in printable pdf format at <http://www.calinst.org/pubs/cjs05h.pdf>.

DEPARTMENT OF JUSTICE

The bill provides \$20.6 billion in discretionary funding for the Department of Justice, \$1 billion above the fiscal year 2004 level and \$900 million above the President's request. The Committee Report states: "the recommendation continues the Committee's commitment to supporting our nation's police and sheriffs' departments by providing an increase of \$885,581,000 above the Administration's request for State and local law enforcement grants. The recommendation provides increases above the request for the Edward Byrne Justice Assistance Grants program (+\$125,000,000), the State Criminal Alien Assistance Program (+\$325,000,000), COPS enhancement grants (+\$113,000,000), juvenile justice and accountability programs (+\$104,533,000), meth hot spots (+\$40,000,000), and law enforcement technologies (+\$130,000,000)."

Cybercrime and Intellectual Property Enforcement – The Committee provides \$10 million for the "vigorous pursuit" of Federal copyright law violations and software counterfeiting crimes. The bill also requires the U.S. Attorneys to report to the Committee by April 30, 2005, on the number, type and location of copyright prosecutions undertaken in the preceding year.

Office of Justice Programs

The Report states that the "Committee finds the Administration's budget request, which proposes a \$988,565,000, or 32 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 \$3,011,923,000 in new budget authority for crime fighting grant programs for fiscal year 2005, which is \$885,581,000 above the Administration's request."

Justice Assistance

The Committee recommends \$217,000,000 for the Justice Assistance account, which is \$28,876,000 above the enacted level. The Justice Assistance program includes assistance to States and localities in the form of research, evaluation, statistics, the white collar crime program, information sharing and missing children assistance, and also includes the management and administration of all grants provided through OJP. The President's budget proposed merging all 34 Office of Justice programs under this heading, but the Committee declined to do so.

State and Local Law Enforcement Assistance

The Committee recommends a total of \$1,255,037,000 for State and Local Law Enforcement Assistance programs. This amount is \$1,255,037,000 above the President's request and \$80,934,000 below the enacted level. The Committee does not adopt the Administration's proposal to consolidate this appropriation under the Justice Assistance heading. Included are the following programs:

Edward Byrne Memorial Justice Assistance Grants - The Committee recommendation includes \$634,000,000 for the program, as authorized by H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006, as passed by the House on March 30, 2004. The recommendation is \$125,063,000 above the budget request.

The Committee Report states: "This program is intended to consolidate the Local Law Enforcement Block Grant program and the Byrne Formula program. Funding under this program is authorized for (a) law enforcement programs; (b) prosecution and court programs; (c) prevention and education programs; (d) corrections and community corrections programs; (e) drug treatment programs; and (f) planning, evaluation, and technology improvement programs. Funding is not available for (a) vehicles, vessels, or aircraft; (b) luxury items; (c) real estate; or (d) construction projects.

The formula used for distributing funds under this program allocates 50 percent of funding based on population, and 50 percent based on violent crime rates. The formula allocates 60 percent of funding to States and 40 percent to units of local government."

State Criminal Alien Assistance Program - The recommendation provides \$325,000,000 for the State Criminal Alien Assistance Program (SCAAP) for reimbursement to States for the costs of incarceration of criminal aliens, which was again proposed for elimination in the budget request. The recommendation provides a \$28,157,000 increase above the fiscal year 2004 level.

Edward Byrne Discretionary Grant Program - The Committee recommendation provides \$110,000,000 for discretionary grants to help to improve the functioning of the criminal justice system with an emphasis on drugs, violent crime and serious offenders.

The Committee Report calls on the Department of Justice to consider the following California programs for discretionary grants under the funding provided:

- San Joaquin Valley Rural Crime Prevention Program;
- CA Front Line Law Enforcement;
- San Francisco Ex-Offender Reentry Services; and
- Whittier, CA school resource officer program.

Weed and Seed Program Fund - The Report provides \$51,169,000 for the Weed and Seed program, which is the same as the request and \$6,757,000 below the fiscal year 2004 level.

Community Oriented Policing Services - The Committee recommendation includes \$686,702,000 for the Community Oriented Policing Services (COPS) program for fiscal year 2005.

Cops Enhancement Grants - The Committee recommendation includes \$113,000,000 for COPS enhancement grants, as authorized by H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006, as passed by the House on March 30, 2004. The Administration's budget did not include any funding for this program, but the budget request includes \$17,625,000 for a training and technical assistance program, \$20,000,000 for a tribal law enforcement program, \$1,550,000 for interoperable communications, and \$10,000,000 for a police integrity training program.

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 \$6,518,000 above the enacted level and \$40,000,000 above the request. The Committee Report lists several proposals that it “expects the COPS Program Office, in consultation with DEA, to examine [and] to provide grants if warranted, including the following California proposals:

- California Department of Justice, Bureau of Narcotics Enforcement, for the California Methamphetamine Strategy (CALMS);

- Merced County, CA, “Meth is Death” Project;

- Fresno County, CA, District Attorney Methamphetamine Initiative; and

- Woodland, CA, Methamphetamine Enforcement.

Law Enforcement Technology Program - The Committee provides \$130,000,000 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 and provide grants, if warranted, to the following California programs:

- Grants for technology improvements to police and sheriffs’ 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:

- San Diego County, CA; City of Roseville, CA; Placer County, CA; San Bernardino, CA; Redlands, CA; City of La Verne, CA; Los Angeles County, CA; Riverside County, CA; Sacramento, CA; County of Contra Costa, CA; City of Corona, CA; Kern County, CA; City of San Francisco, CA; City of Salinas, CA; City of Colton, CA; City of Fontana, CA; City of Pomona, CA; City of Montebello, CA; Lakewood, CA; Garden Grove, CA; Santa Ana, CA; Fullerton, CA; City of West Covina, CA; San Mateo County, CA; Oakland, CA; Solano County, CA; Inglewood, CA; Santa Monica, CA; City of Covina, CA; City of Rosemead, CA; and City of Modesto, CA.

Southwest Border Prosecutions - The Committee recommends \$40,000,000 to provide assistance to 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.

Juvenile Justice Programs

The Committee recommendation provides a total of \$349,000,000 for Juvenile Justice Programs for fiscal year 2005. The President’s budget request proposes to fund juvenile justice programs under the Justice Assistance heading. The Committee recommendation is \$11,000 above the fiscal year 2004 level and \$104,533,000 above the request for similar juvenile justice programs. Within the funding provided, the Committee requires that OJP review and fund the following California programs, if warranted:

- IMPACT/Night Light Program in San Bernardino County, CA, to team police officers with probation officers to reduce juvenile crime;

- California Safe from the Start;

- Bay Area Youth Violence Prevention Network;

- San Francisco, CA, “Safe Streets Project”;

- City of Colton, CA, Police Activities League Program for youth;

- Junior Aztec Fire Fuels Crew programs for at-risk kids, Cypress Park, CA;

- The Eagle Rock Center “Will Power to Youth” programs, CA;

- City of Norwalk, CA—Teen Alliance Program;

- Gang Alternative Program in Southeast Los Angeles County, CA;

- CA Police Activities League Center;

- Los Angeles County, CA, Friends of Child Advocates;

- Los Angeles, CA, Community Law Enforcement and Recovery; and

- California Youth Development and Crime Prevention Initiative.

DEPARTMENT OF COMMERCE

The Committee recommendation includes a total of \$5,759,925,000 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 2005, \$185,854,000 below the current year level, and \$301,064,000 below the request.

Economic Development Administration

The recommendation includes \$320,327,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2005, as described below. The recommendation is \$5,000,000 above the current year and the same as the request.

Economic Development Assistance Programs

A total of \$289,762,000 is included for fiscal year 2005 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, \$200,827,000 is for Public Works and Economic Development, \$43,000,000 is for Economic Adjustment Assistance, \$24,500,000 is for planning, \$8,435,000 is for technical assistance, including university centers, \$12,500,000 is for trade adjustment assistance, and \$500,000 is for research.

The Committee expects EDA to continue to assist communities impacted by economic dislocations related to coal and timber industry downturns due to environmental concerns at the fiscal year 2004 level.

National Ocean Service (NOS)

The recommendation provides \$351,000,000 for NOS operations, research and facilities. The Report states that within the amount provided for Ocean Assessment, the Committee directs NOAA to continue funding for Monterey Bay B-WET, and to develop a competitive national program to continue partnerships in coastal observing. The Committee also expects that funds will be allocated for conservation activities at the Monterey Bay National Marine Sanctuary Exploration Center.

National Marine Fisheries Service (NMFS)

The recommendation provides \$525,700,000 for NMFS operations, research and facilities. The recommendation includes requested funding levels for Columbia River facilities and hatcheries, and Pacific Salmon Treaty activities.

Pacific Coastal Salmon Recovery

The recommendation includes \$80,000,000 for conservation and habitat restoration and recovery grants for endangered and threatened Pacific salmon populations, which is \$9,052,000 below the current year and \$20,000,000 below the request. The Committee Report states:

The Committee notes with concern the program assessment rating for this program contained in the President's budget for fiscal year 2005, which concludes that results have not been demonstrated despite over \$436,000,000 in total appropriations over the past five fiscal years. The assessment notes that performance measures have still not been developed, that project effects on Pacific salmon stocks are still unknown, and that the program has not been able to allocate funds based on recovery needs of specific salmon populations.

The Committee understands that NOAA recently announced status reviews and proposed listing determinations for 27 evolutionary significant units (ESUs) of Pacific salmon and steelhead. NOAA's proposed listings identify four endangered and 23 threatened ESUs. The

Committee directs NOAA to finalize annual performance measures immediately and to allocate fiscal year 2005 funds toward protection and recovery of the 27 ESUs that NOAA has determined are most at risk. The Committee expects that such an allocation will represent a significant advancement in the achievement of recovery goals even within a reduced annual appropriation.

While specific performance measures have yet to be implemented, the Committee notes that 23 of the 27 ESUs reviewed have been observed to have positive trends over the past four years. Upper Columbia River steelhead and Sacramento River winter-run chinook populations have improved sufficiently to warrant a change of status from endangered to threatened. Other runs such as Middle Columbia River steelhead and Oregon Coast coho are nearing recovery. This is encouraging evidence that Federal, State, local, and tribal salmon recovery efforts may be a contributing factor in these recoveries.