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SPECIAL REPORT: **Commerce, Justice, State Appropriations for FY 2005 (Senate Version) and California Implications -- *November 4, 2004***

On September 15, 2004, the Senate Committee on Appropriations reported out its FY05 appropriations for the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies (S. 2809). The Senate Report accompanying the bill is S.Rpt. 108-344. The \$43,467,214,000 bill is \$2,043,274,000 above the FY 2004 appropriation level and \$272,719,000 above the FY 2005 request.

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/cjs05s.htm> and in pdf format at <http://www.calinst.org/pubs/cjs05s.pdf>.

DEPARTMENT OF JUSTICE

The Committee recommends a total of \$20,389,055,000 for the Department of Justice [DOJ]. The recommendation is \$618,465,000 above the fiscal year 2004 funding level and \$444,316,000 above the budget request.

Office on Violence Against Women

The Committee recommends an appropriation of \$410,000,000. The recommendation is \$26,449,000 above the fiscal year 2004 funding level and \$47,523,000 above the budget request. Within the funds appropriated, no less than \$175,705,000 shall be used for general formula grants to the States. The Report states that: "The fiscal year 2005 funding will be used to develop and implement effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, strengthen programs addressing stalking, and provide much needed victim's services. This includes specialized domestic violence court advocates who obtain protection orders. In addition, programs should be strengthened to encourage reporting of domestic violence by providing assurances that law enforcement and attorney support systems would be available. This funding is to be distributed to States to significantly enhance the availability of services, prosecutors, and law-enforcement officials to women and children who are subjected to domestic violence."

Federal Bureau of Investigation

Intellectual Property Rights - The Committee Report states: "Industrial espionage, by both erstwhile friends and obvious foes, has become the growth industry in the counterintelligence world. The struggle for domination among major powers is now played out in largely economic terms. Ideas and innovation are the sinews of national strength. Within available resources, \$5,000,000 shall be available to combat industrial espionage and other threats to the intellectual property rights of manufacturers and researchers in the United States. . . ."

Federal Prison System

Activation of New Prison Facilities

The Committee provides \$448.5 million for activation of new prison facilities. Included in this funding is \$35,055,000 for the Victorville FCI with 1,152 beds, and \$34,833,000 for the Herlong/Sierra FCI with 1,280 beds.

Buildings and Facilities

The Committee recommends a total of \$189,000,000 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. The recommendation is \$204,515,000 below the fiscal year 2004 funding level and \$189,000,000 above the budget request. The Committee recommendation includes funding for facilities with prior year funding, including Mendota, funded at \$52,000.

Office of Justice Programs

The Committee recommends an appropriation of \$2,575,332,000 for the Office of Justice Programs [OJP]. The recommendation is \$811,467,000 above the budget request. The Report also states: "The Committee continues to be concerned with the merger of the Byrne Grant program and Local Law Enforcement Block Grant program at a significantly reduced funding level."

State and Local Law Enforcement Assistance

The Committee recommends an appropriation of \$1,117,919,000. The President's budget requested no funding for this category.

State Criminal Alien Assistance Program

The Committee provides \$220 million to SCAAP, which partially reimburses state and local governments for the costs of incarcerating undocumented criminal aliens. Of the \$281.6 million appropriated for SCAAP in FY 2004, the State of California and its local governments received \$111,899,215, or almost 40 percent of total SCAAP funding. The Report earmarks an additional \$30 million for the Southwest Border Prosecutor Initiative.

Edward Byrne Grants

The Committee provides a total of \$617,969,000 for Byrne Grants, of which \$500 million is for formula grants, and \$117,969,000 is for discretionary grants. Within the amount provided for discretionary grants, the Committee Report states that the Bureau of Justice Assistance is to review the following proposals and provide grants if warranted:

- \$3,300,000 for the Monterey County, California, Street Violence and Anti-gang Project;
- \$850,000 for the San Diego, CA, Crisis Intervention Response Teams; and
- \$500,000 for the USC Center for Prosecutorial Ethics.

Weed and Seed Program

The Committee recommends an appropriation of \$62,000,000. The recommendation is \$4,074,000 above the fiscal year 2004 funding level and \$8,735,000 above the budget request. Of the funds appropriated for Weed and Seed, \$2,000,000 shall be directed for comprehensive community development training and technical assistance.

Community Oriented Policing Services (COPS)

The Committee recommends an appropriation of \$755,969,000. The recommendation is \$7,645,000 above the fiscal year 2004 funding level and \$712,351,000 above the budget request.

Methamphetamine Enforcement and Cleanup

The Committee recommends \$55,000,000 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. The Committee recommendation includes \$10,000,000 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. The Committee Report provides that within the amounts provided, the Department of Justice is expected to review, in consultation with the Drug Enforcement Agency, the following California proposal, among others, provide a grant if warranted, and report to the Committees on its intentions:

- \$3,000,000 for the California Methamphetamine Strategy [CALMS].

Law Enforcement Technology Program

Within the \$110.9 million funded, the Committee Report provides that 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:

- \$225,000 for the Huntington Beach, CA, Emergency Operations Equipment;
- \$4,000,000 for the Interagency Communications Interoperability System [ICIS] in CA;
- \$1,000,000 for the San Joaquin County, CA, Emergency Operations Communications Center; and
- \$1,000,000 for the Solano County, CA, Radio Interoperability Project.

Juvenile Justice Programs

The Committee recommends an appropriation of \$360,000,000. The recommendation is \$11,011,000 above the fiscal year 2004 funding level and \$2,477,000 below the budget request. Within the amounts provided, the Report states that the Committee “directs Office of Juvenile Justice and Delinquency Prevention to provide the following grants:”

- \$2,000,000 for the Anaheim Learning Center in CA;
- \$200,000 for the Colton Police Activities League [PAL] Program in CA;
- \$3,000,000 for the Los Angeles Community Law Enforcement and Recovery Program [CLEAR]; and
- \$500,000 for the San Jose, B.E.S.T At-Risk Youth and Anti-Gang Program in CA

U.S. Marshal’s Service

Construction

Los Angeles, CA [ESU] - \$392,000

DEPARTMENT OF COMMERCE

The Committee recommends a total of \$6,919,139,000 for the Office of the United States Trade Representative, the International Trade Commission, the National Intellectual Property Law Enforcement Coordination Council, and the Department of Commerce. The recommendation is \$976,360,000 above the fiscal year 2004 funding level and \$861,150,000 above the budget request.

Office of the U.S. Trade Representative

Chief Negotiator for Intellectual Property Enforcement -- The bill includes language establishing a new position of Chief Negotiator for Intellectual Property Enforcement. This position, according to the Report, will be responsible for Intellectual Property issues in all trade agreements. In addition, this position will be the USTR representative on the National Intellectual Property Law Enforcement Coordination Council [NIPLECC]. Within the funds made available for the USTR, \$5,000,000 is for the creation, operations, and activities of the Office of the Chief Negotiator for Intellectual Property Enforcement.

National Intellectual Property Law Enforcement Coordination Council

The Committee recommends an appropriation of \$20,000,000. The recommendation is \$20,000,000 above the fiscal year 2004 funding level and \$20,000,000 above the budget request.

Economic Development Administration

The Committee recommends an appropriation of \$315,483,000. The recommendation is \$156,000 above the fiscal year 2004 funding level and \$4,844,000 below the budget request.

The Committee recommendation provides funding of \$199,100,000 for public works grants (Title I), \$22,667,000 for planning assistance, \$8,300,000 for trade adjustment assistance, \$45,731,000 for economic adjustment grants (Title IX), \$8,790,000 for technical assistance, and \$495,000 for research.

The Report also states that the Committee is aware of several proposals for economic development or adjustment assistance and strongly urges EDA to consider applications for the following proposals within applicable procedures and guidelines and provide a grant, if warranted:
City College of San Francisco Welcome Back Project

Industrial Technology Services

Advanced Technology Program - The Committee recommends an appropriation of \$203,000,000. This recommendation is \$23,825,000 above the fiscal year 2004 funding level and \$203,000,000 above the budget request. The amount, when combined with \$8,500,000 in prior year deobligations and carryover, will fully fund ATP awards. Within the amounts made available \$60,700,000 is to be used to fund new awards.

National Oceanic and Atmospheric Administration

Land Acquisition, Systems, and Construction

Coastal and Estuarine Land Conservation Program

Dos Pueblos, CA	\$3,000,000
ECO Tonner Canyon, CA	\$500,000

National Estuarine Research Reserve Acquisition/Construction

Elkhorn Slough, CA	\$4,000,000
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Coastal and Estuarine Land Conservation Program (CELP)

The Committee requests that NOAA evaluate the following CELP projects within resources provided for the national program and provide grants for acquisition if warranted:

- Coastal Prarie Ranch, CA; and
- San Pablo Watershed, CA.

NOAA Oceans and Coasts/National Ocean Service

Geodetic Survey, California - \$1,000,000

Ocean Resources Conservation and Assessment

Southern California Coastal Ocean Observing System (Scripps) - \$2,000,000

NOAA Fisheries/National Marine Fisheries Service

Marine Mammals & Sea Turtles

California Sea Lions/Protected Species Management (PSM) - \$750,000

Marine Mammal Strandings

Marin Headlands Marine Mammal Center - \$2,000,000

Fisheries

California Oceanic Cooperative Fisheries Investigation (CalCOFI) - \$900,000

Pacific Coastal Salmon Recovery Fund

The Committee recommends \$99,000,000 for Pacific Coastal Salmon Recovery Fund. The recommendation is \$9,948,000 above the fiscal year 2004 funding level and \$1,000,000 below the budget request. Within the funding for this appropriation, the Committee recommends \$14 million for the State of California.