



Congress of the United States  
House of Representatives  
Washington, DC 20515

February 17, 2005

The Honorable Jim Nussle  
Chairman  
House Committee on the Budget  
309 Cannon House Office Building  
Washington, DC 20515

The Honorable John M. Spratt  
Ranking Member  
House Committee on the Budget  
B71 Cannon House Office Building  
Washington, DC 20515

Dear Chairman Nussle and Ranking Member Spratt:

Pursuant to section 301(d) of the Congressional Budget Act of 1974, as amended, and House Rule X, clause 4(f)(1) we are transmitting the views and estimates of the Committee on the Judiciary with respect to the President's budget proposal for Fiscal Year (FY) 2006. These views and estimates encompass a broad range of federal programs within the jurisdiction of this Committee.

It is our hope that these views and estimates will provide valuable guidance to the House Budget Committee.

Sincerely,

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F. JAMES SENSENBRENNER, JR.  
Chairman

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JOHN CONYERS, JR.  
Ranking Member

## COMMITTEE ON THE JUDICIARY

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### VIEWS AND ESTIMATES FOR FISCAL YEAR 2006

#### MANDATORY SPENDING

##### **BANKRUPTCY JUDGESHIPS**

Bankruptcy legislation pending in Congress (H.R. 685 and S. 256, the "Bankruptcy Abuse Prevention and Consumer Protection Act") would authorize 28 new temporary bankruptcy judgeships and extend four existing temporary judgeships. Based on a Congressional Budget Office analysis prepared in the last Congress, the mandatory costs associated with the salaries and benefits of these additional judgeships were estimated to be less than \$500,000 for the first fiscal year following enactment, and \$23 million over the succeeding five-year period. The Committee supports increasing the number of bankruptcy judgeships to ensure the efficient disposition of bankruptcy cases.

##### **ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

The Administrative Conference of the United States (ACUS), a nonpartisan body that made many valuable recommendations which improved administrative aspects of regulatory law and practice, was reauthorized at the behest of the Committee on the Judiciary last year pursuant to Public Law 108-401. It is expected that ACUS will be appropriated funds at some point during the 109th Congress. Public Law authorizes \$3.1 million for fiscal year 2006.

##### **RADIATION EXPOSURE COMPENSATION FUND**

The Department of Defense Authorization Act for FY 2002 included a mandatory appropriation for the Radiation Exposure Compensation Fund (RECA Fund) for fiscal years 2002 through 2011. The appropriation for FY 2005 was \$65,000,000. There was a cap on the appropriated funds for each fiscal year. Because the amounts needed to make payments on approved claims was going to exceed the cap, a \$27.8 million discretionary appropriation was enacted to supplement the 2005 appropriation. The National Defense Authorization Act for FY 2005 placed the funding for payment to workers covered under Section 5 of RECA in the Energy Employees Occupational Illness Compensation Program, a mandatory and indefinitely funded program. Additionally, the Consolidated Appropriations Act of 2005 included language removing the caps as of 2006 and changing the funding of the RECA Trust Fund to mandatory and indefinite for the remaining claims paid out of that fund. Administrative costs for the running of this program have now been included with the general administrative funds for the Civil Division. The program is no longer subject to appropriated funds.

## **FOREIGN CLAIMS SETTLEMENT COMMISSION**

There has been little significant change in the operation of the Foreign Claims Settlement Commission. The budget request for the Foreign Claims Settlement Commission for FY 2006 is \$1,270,000. This is a slight increase above the appropriation for fiscal year 2005, and is supported by the Committee.

## **PRIVATE CLAIMS LEGISLATION**

The Committee anticipates it will consider several private bills for claims against the United States. The Committee felt that \$5 million was sufficient in 2005 and believes that it will still be sufficient to meet the costs associated with private claims legislation for FY 2006. This figure, based on an analysis of private claims bills passed by recent Congresses, continues to be sufficient to meet the unanticipated costs associated with private claims legislation.

## **DISCRETIONARY SPENDING**

### **ANTITRUST DIVISION**

The President requests \$144,451 million for FY 2006, a \$6 million increase from the Fiscal Year 2005 enacted level of \$138,763 million. The Committee supports the important work of the Antitrust Division and supports the President's requested increase.

### **EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (EOUSA) - DOJ**

Within each of the 94 Federal districts in the 50 States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the U.S. Attorneys are the chief law enforcement representatives of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. The Executive Office, located in Washington, D.C., at the Department of Justice, is entrusted with the task of coordinating the efforts of these U.S. Attorneys with the policies and priorities of the Attorney General and supervising their activities.

The FY 2006 budget requested by the Administration for U.S. Attorneys represents an increase of approximately \$84.5 million to \$1.626 billion from the \$1.541 billion enacted (with rescissions) for FY 2005. While the FY 2005 enactment funded 10,212 permanent positions, the FY 2006 would fund 10,465 permanent positions. Increased expenditures would include: \$2.289 million for 28 positions (15 attorneys) for increased counterterrorism cases, referrals from investigative agencies and to ensure balance with new investigative resources; \$1.963 million for 36 positions to reduce the ratio between paralegals and attorneys in order to leverage existing and anticipated attorney resources; \$3.748 million for 46 positions (25 attorneys) to address the increasing caseload of immigration and custom enforcement cases; \$900,000 for 11 positions (6 attorneys) to expand the Computer Crime, High Tech, and Intellectual Property (CHIP) units by establishing such units in the U. S. Attorney offices in the District of Columbia, Sacramento, Nashville, Pittsburgh, and Orlando; and \$3 million for 32 positions (13 attorneys) to bolster resources devoted to criminal and

civil prosecution of health care fraud and handle the increased caseload expected to arise from the enactment of the Medicare Prescription Drug Improvement and Modernization Act. Additionally, DOJ indicates that it expects a cost savings of \$403,000 through the implementation the Electronic Travel Service (eTS), a web-based, travel management system that will be integrated into various existing Department-wide financial systems.

The Committee fully appreciates the role of the U.S. Attorneys as the chief law enforcement representatives of the Department of Justice and is committed to ensuring they are given the necessary resources to fulfill their responsibilities, particularly in light of increased burdens associated with the war against terrorism.

### **UNITED STATES TRUSTEE PROGRAM - DOJ**

The U.S. Trustee Program is charged with supervising the administration of bankruptcy cases and trustees. Its mission is to protect and preserve the integrity of the U.S. bankruptcy system by regulating the conduct of parties, ensuring compliance with applicable laws and procedures, bringing civil actions to address bankruptcy abuse, securing the just and efficient resolution of bankruptcy cases, and identifying and prosecuting bankruptcy crimes. The Program is self-funded through user fees paid by participants in the bankruptcy system. The Program's appropriation is offset by fees it collects during the fiscal year. These monies are paid into the U.S. Trustee System Fund. Approximately 60 percent of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining 40 percent of its funding is derived from a portion of filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues.

The Administration's FY 2006 request of \$185.402 million reflects an increase of \$11.8 million over the FY 2005 enacted level of \$173.602 million (with rescission). This increase is comprised of adjustments to base consisting of \$3.87 million for compensation and benefit-related adjustments, \$6.492 million for rent, and \$1.438 million for various administrative expenses (e.g., transportation management fees, security surcharge cost projection, electronic case filing fees). The FY 2006 request would fund the same number of FTE positions (1,190) as FY 2005. The Committee supports the requested increase.

### **HELP AMERICA VOTE ACT**

There are perhaps few greater priorities for the FY06 budget than continued Federal support for election reform. The 2000 and 2004 elections exposed a number of deficiencies in our electoral system, the exposure of which has undermined a number of Americans' faith in our democracy. As such, the Committee will continue to examine the implementation of the Help America Vote Act of 2002 so far as it pertains to the prevention of election and voter registration fraud.

As to funding, the Administration requests \$17.6 million for funding under HAVA, a \$3.6 million increase from FY05. Because of the critical importance of election reform and the implementation of HAVA requirements, the Committee recommends that HAVA programs receive a total of \$645 million (full funding as authorized under HAVA).

## **9/11 COMMISSION RECOMMENDATION IMPLEMENTATION LEGISLATION**

The Committee supports full funding of programs authorized in the Intelligence Reform and Terrorism Prevention Act, Public Law No. 108-458. These include, but are not limited to, the Privacy and Civil Liberties Oversight Board, the Human Smuggling and Trafficking Center, increased Border Patrol agents, and increased detention bed space.

### **CIVIL DIVISION - DOJ**

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees. Its litigation reflects the diversity of government activities, involving, for example: the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various Federal programs and actions.

For FY 2006, the Administration requests \$205.285 million for the Civil Division, which represents an increase of \$19.1 million from the \$186.233 million appropriated (with recisions) in FY 2005. The Administration requests \$6.8 million to provide automated litigation support (ALS) for the 66 cases filed by nuclear utility companies against the Department of Energy. The claim is for more than \$50 billion in damages for the government's alleged failure to begin acceptance of the plaintiff's spent nuclear fuel by January of 1998 as mandated by the Nuclear Waste Policy Act of 1982. ALS is critical to a successful defense because of the vast amount of discovery and evidence involved, as well as the complexity of the issues. The Administration requests 59 positions (43 attorneys) and \$5.795 million for alien deportation litigation by the Office of Immigration Litigation (OIL). The workload has increased dramatically in the past three years and that trend is expected to continue.

The Administration requests 26 positions (17 attorneys) and \$2 million to handle more than 125 separate health care fraud matters involving pharmaceutical manufacturers and other related entities. The litigation involves the investigation and prosecution of billing and pricing schemes, and fraud against the Medicare drug discount card and prescription drug benefit programs established by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

The Committee considers the work of the Civil Division crucial to the mission of the Department of Justice and recognizes the considerable liability facing the government from litigation brought against it. The Committee will carefully consider the program increases sought by the Administration, as well as the general activities of the Division, to insure that its performance facilitates its mission with the DOJ.

### **ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD) - DOJ**

ENRD's areas of responsibility include litigation concerning the protection, use, and development of national natural resources and public lands, wildlife protection, Indian rights and claims, cleanup of hazardous waste sites, the acquisition of private property for federal use, and the defense of

environmental challenges to government programs and activities.

The Administration requests \$100.354 million for FY 2006, which reflects an increase of \$10.712 million from ENRD's enacted FY 2005 appropriation, with rescission, of \$89.642 million. Included is a request for 18 positions (11 attorneys) and \$7.394 million to defend the United States in lawsuits filed by Indian Tribes for allegations regarding the management of Tribal assets by the Bureau of Indian Affairs within the Department of Interior, a case with potential exposure and liability to the United States of more than \$200 billion. The Committee is supportive of ensuring ENRD has sufficient resources to properly litigate this issue.

### **BORDER AND TRANSPORTATION SECURITY DIRECTORATE - DHS**

The Border and Transportation Security Directorate (BTS) was established by the Homeland Security Act of 2002, and is responsible for maintaining the security of our nation's air, land, and sea borders and transportation systems. BTS is comprised of law enforcement and other employees from the former U.S. Customs Service, the Immigration and Naturalization Service, the Transportation Security Administration, the Office of Domestic Preparedness (soon to be moved in to the Office of State and Local Coordination and Preparedness), the Federal Protective Service (FPS), and the Federal Law Enforcement Training Center (FLETC). BTS also partners with the U.S. Coast Guard to handle border security and the enforcement of immigration laws, and oversees and provides coordination of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program. The Department of Homeland Security is requesting \$857.53 million for FY 2006 for the BTS.

The goal of US-VISIT is to collect, maintain, and share information on foreign nationals in order to enhance national security, facilitate legitimate trade and travel, and ensure the integrity of our immigration system. These functions are to be performed in accordance with existing privacy laws and policies. Under the US-VISIT program, inspectors collect biographic, biometric, and travel information from aliens seeking admission to the United States, and check this information against watch lists, providing the inspectors with better and more accurate information for making admission decisions. The FY2006 budget request regarding US VISIT has been shifted around to reflect the new Office of Screening Coordination and Operations, within the Office of the Under Secretary for BTS. That office will include US VISIT, Free and Secure Trade (FAST), NEXUS/SENTRI CBP programs (for expedited inspections), Secure Flight (formerly CAPS II), Credentialing Start-up (TSA), Transportation Worker Identification Credential (TWIC - TSA), HAZMAT (TSA), Alien Flight School Checks (TSA). Altogether, the office budget amounted to \$456,665 in FY2004, \$502,919 in FY2005, and the proposed budget for FY2006 is \$846,913 reflecting an increase of \$343,994. The budget request for US VISIT itself is for \$44 million over last year, totaling \$390,232,000. The additional funds will be used to create a "person-centric view" of immigration and border management information (including biographical and travel information), and to fund deployment of US VISIT at the land borders. The Committee desires that US-VISIT be implemented in a cost-effective manner and would like a firm commitment on when full implementation will occur. The Committee will continue to aggressively oversee the implementation of US-VISIT to help ensure that it minimizes possible hindrances to international tourism to the United States while protecting the national security of the United States.

## **U.S. CUSTOMS AND BORDER PROTECTION**

U.S. Customs and Border Protection (CBP) is the federal agency principally responsible for the security of our nation's borders, both at and between the ports of entry along the border and at our nation's seaports and airports. The Committee supports the missions of the CBP, both at and between the ports of entry. Inspectors and Border Patrol Agents provide a critical shield against the entry of those who would enter the United States to harm our people and our institutions. They are an essential component of our immigration-enforcement system.

In addition to the agency's immigration responsibilities, its components also play a critical role in confronting the law-enforcement challenges facing our nation. CBP's Interdiction and Security (Outbound) enforces U.S. export laws and regulations to prevent weapons of mass destruction from falling into the hands of criminals or terrorists. As part of this responsibility, the agency interdicts illicit proceeds from narcotics and other criminal activities in the form of unreported and smuggled currency. The Committee agrees with the Administration that illicit currency is a critical element in the fight against terrorism, narcotics trafficking, and other criminal activities. The Border Patrol, a CBP component, has the primary responsibility for drug interdiction between the land ports-of entry. It participates in numerous interagency drug task force operations with other Federal, state and local law enforcement agencies through Operation Alliance along the southern border. All Border Patrol Agents receive Drug Enforcement Administration Title 21 cross-designated authority as part of their basic training. The purpose of this program is to increase the effectiveness of the agents patrolling the border. Additionally, CBP has the largest Federal law-enforcement canine program in the United States, with over 1,200 canine teams assigned to over 76 ports of entry and 69 Border Patrol stations. This program is responsible for detection of narcotics, currency, explosives, chemicals, and other illegal contraband.

The FY 2006 budget seeks \$6.725 billion for CBP, an increase of \$308.61 million over the FY 2005 level for the agency. Included in this increase is an additional \$5.4 million for the Container Security Initiative, and an additional \$8.2 million for the Customs-Trade Partnership Against Terrorism Program. Enhancing these systems will allow CBP to identify high-risk travelers and goods, thus protecting our country while reducing impediments on legitimate travel and commerce. The budget calls for an increase of only \$36.9 million for Border Patrol staffing, accounting for an increase of only 210 Border Patrol agents (or approximately \$175,000 per new border patrol agent). The Intelligence Reform and Terrorism Prevention Act of 2004 authorized the funding of 2,000 more Border Patrol agents in fiscal year 2006, as the 9-11 Commission's staff report on "9/11 and Terrorist Travel" found that "[t]here is also evidence that terrorists used human smugglers to sneak across borders." The Committee believes that only with full funding of the 2,000 net increase in agents authorized (and the additional increases called for in fiscal years 2007-10) can the Border Patrol successfully complete its mission of protecting the borders of the United States.

## **U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of DHS. Comprised of several components from the former Immigration and Naturalization Service (INS), the U.S. Customs Service, the Federal Air Marshal Service (FAMS) and the Federal Protective Service (FPS), the agency combines the investigative, detention and removal, and intelligence

functions of the former INS with the investigative, intelligence, and air and marine functions of the former Customs Service. The Assistant Secretary for ICE, Michael J. Garcia, has stated that “[t]hrough this reorganization, ICE is building a foundation to become one of the world's preeminent law enforcement agencies - one that provides unparalleled investigation, interdiction, and security services to the public and to our partners at DHS.” This Committee’s Subcommittee on Crime, Terrorism, and Homeland Security has held hearings on the law enforcement authorities of the Department of Homeland Security, and agrees with the Assistant Secretary’s conclusion.

ICE is composed of five operation divisions: (1) Office of Investigations - investigating issues including immigration, human smuggling, narcotics, weapons and all other contraband smuggling; export enforcement; financial crimes, such as money laundering, commercial fraud, intellectual property rights, cybercrime, and human rights; (2) Office of Detention and Removal - promoting public safety and national security by ensuring the departure from the United States of all removable aliens through the fair enforcement of the nation’s laws; (3) Office of Federal Air Marshal (FAMS) - deploying Federal Air Marshals to detect, deter, and defeat hostile acts targeting U.S. air carriers, airports, passengers, and crews; (4) Office of Federal Protective Service - policing, securing, and ensuring a safe environment in which Federal agencies can conduct business; (5) Office of Intelligence - collecting, analyzing, and disseminating strategic and tactical intelligence data for use by the operational elements of ICE and the DHS.

The FY 2006 budget requests \$4 billion for ICE, a \$519 million increase over the FY 2005 enacted amount of \$3.85 billion. However, the FY2006 budget authorizes only 143 new ICE agents, at a cost of \$440 million. The Intelligence Reform and Terrorism Prevention Act of 2004 authorized an increase of 800 ICE investigators in fiscal year 2006. As the agency tasked with enforcing immigration laws internally within the United States, it is critical that ICE receive the resources necessary to successfully complete its mission. Therefore, the Committee believes that the 800 net increase in ICE agents be fully funded (along with the additional increases authorized for fiscal years 2007-10).

In addition, the FY2006 budget authorizes only 1,920 new detention beds at a cost of \$90 million. The Department of Justice’s Office of the Inspector General found that from October 2000 through the end of 2001, the INS was only able to remove 13% of nondetained aliens with final orders of removal. The Intelligence Reform and Terrorism Prevention Act of 2004 authorized the funding of 8,000 additional detention beds (over the current 20,000) in fiscal year 2006 in order to ensure that aliens ordered removed are actually removed. The Committee believes that the 8,000 bed increase must be fully funded (along with the additional increases authorized for fiscal years 2007-10).

The FY2006 budget for our foreign student tracking system, the Student Exchange and Visitor Program, requests a \$19.688 million increase over the budget of \$468 million for fiscal year 2005. The increase would pay for sustained hiring, spending on IT enhancements, and creation of a search tool for historical data. The FY2006 budget calls for an increase of \$24 million in the detention and removal budget to ensure the departure of aliens from the United States.

- Office of Investigations

The FY 2006 budget requests \$4 billion for ICE, a \$519 million increase over the FY 2005 enacted



amount of \$3.85 billion. Of that increase, \$206.8 million is requested for the agency's Investigations Program.

The Office of Investigations program (OI) enforces law through the investigation of activities, persons, and incidents that may pose a threat to U.S. safety and security. The Office of Investigations is currently organized into 26 domestic areas of responsibilities and 56 foreign offices. In OI, over 6,000 criminal investigators conduct investigative operations. ICE received \$64.2 million in enhancements for Investigations in FY 2005. Of that amount, \$14 million was for the Visa Security Unit and overseas operations, \$25 million was for benefit fraud enforcement, \$5 million was for worksite enforcement, \$16 million was for compliance teams, and \$4.2 million was for the cybercrime center to expand to ICE field offices.

For FY 2006, ICE has requested \$1.5 billion for the Office of Investigations, of which \$198.8 million are enhancements. The key missions are to strengthen national security, combat smuggling and promote public safety, and secure the nation's economic system from terrorist and criminal exploitation. The FY 2006 request will fund the ICE Organized Crime Drug Enforcement Task Force (OCDETF) with \$43.7 million, the temporary worker/worksite enforcement program for \$18 million and the Visa Security Program with \$5 million. The IO plans to increase fee collections to fund a program increase of \$19.6 million in the Student Exchange Visitor Program account.

- Federal Protective Services

FPS is a fee-funded agency and recovers the cost of providing law enforcement and security support from the customer agencies. For the Federal Protective Service (FPS), the Administration is requesting \$487 million for FY 2006, which is a \$9 million increase over FY 2005. This request will support efforts to provide law enforcement and security services to DHS facilities and around more than 8,880. FPS provides these services with 15,000 contract security guards and 1,100 Law Enforcement Officers. The Committee also supports this increase and FPS efforts to implement a strategic plan to meet its performance goals.

- Federal Air Marshals Service (FAMS)

For the Federal Air Marshal Service (FAMS), the Administration is requesting \$688.86 million for FY 2006, an increase of \$25.96 million for continuing its mission of promoting confidence in our Nation's civil aviation system the effective deployment of FAMS to detect, deter, and defeat hostile acts targeting U.S. carriers, airports, passengers, and crews. This request will enable the FAMS to increase its staffing level that will allow it to meet its mission objective. The Committee also supports this increase.

### **TRANSPORTATION SECURITY ADMINISTRATION -DHS**

For the Transportation Security Administration (TSA), the Administration is requesting \$5.56 billion dollars for FY 2006, and increase of \$156 million for protecting the Nation's transportation systems to ensure freedom of movement for people and commerce.

For FY 2006, TSA is requesting \$4.73 billion to support Aviation Security, an increase of \$411.26

million. This request will provide TSA with sufficient flexibility to respond to changing security threats in a dynamic aviation transportation environment. The Committee supports this increase.

For FY 2006, TSA is requesting \$32 million to support surface transportation security activities, a decrease of \$83 million. The decrease reflects a new program structure, which defines TSA's appropriations and programs, projects and activities to clearly align the agency's mission with its funding requirements. The Committee supports this change.

For FY 2006, TSA is requesting \$545 million for transportation security support activities, a decrease of \$166.88 million. The decrease reflects a new program structure, which defines TSA's appropriations and programs, projects and activities to clearly align the agency's mission with its funding requirements. The Committee supports this change.

### **BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES - DHS**

The Homeland Security Act created U.S. Citizenship and Immigration Services (CIS) to administer the important immigration service functions described in the Immigration and Nationality Act, such as adjudicating naturalization and permanent residence applications. The USCIS total budget request is for \$1.854 billion, an increase of \$79 million (4%) over the FY2004 budget. Revenue from examinations fees accounts for 93% of the total USCIS budget request. A separate appropriation of \$560 million over the last five years has been earmarked for application backlog reduction. The Committee supports the budget increase of specially appropriated funds to eliminate the backlog, and will monitor whether this amount is sufficient to achieve backlog reduction.

### **CIVIL DIVISION - OIL**

The Office of Immigration Litigation (OIL) in the Civil Division represents the U.S. Government in federal court in cases involving the application of the immigration and nationality laws. The budget for the Department of Justice requests an increase of \$5,795,000 for OIL to address a sharp rise in immigration cases. This will add 58 positions, including 43 attorneys. OIL has reached a crisis point, with each attorney handling on average a load of 186 cases. If there are no staffing increases for this component, OIL attorneys will be unable to handle their massive workload.

### **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW - DOJ**

The Executive Office for Immigration Review (EOIR) contains the corps of immigration judges, the Board of Immigration Appeals (BIA), and the Office of Chief Administrative Hearing Officer. EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings.

The budget request for EOIR is \$199,213,000, a \$15 million increase over the 2005 appropriation. The Immigration Courts have received more cases than in previous years. They have also completed more cases than in previous years. Unfortunately, the number of cases received continues to outstrip the number of cases completed, adding to the court's backlog. The Committee believes that increases are needed in the number of immigration judges and staff to support our nation's immigration policies. Unfortunately, there is no additional funding for immigration judges in the FY

2006 budget.

### **OFFICE OF SOLICITOR GENERAL (OSG) - DOJ**

The Office of Solicitor General supervises and processes all appellate matters and represents the Government before the Supreme Court. For FY 2006, the Administration requests \$8.399 million, an increase of \$264,000 from the \$8.13 million FY 2005 appropriation (with rescission).

No program enhancements or additional personnel are sought by the Administration and the increase consists primarily of 2.3 percent government-wide pay increase as well as increased adjustments to current services, such as rent to the General Services Administration (GSA). The Committee considers the work of the OSG an important element of the role played by the Department of Justice and expects to consider whether the Administration's request is sufficient to ensure the OSG's work is adequately supported.

### **LEGAL SERVICES CORPORATION (LSC)**

LSC is a non-profit entity established by Federal statute for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. For FY 2006, the Administration requests an allocation of \$318.250 million for LSC, an overall decrease of \$17.032 from the FY 2005 appropriation. The request specifically allocates: \$299.155 million for basic field programs and required audits; \$2.2 million for the Office of Inspector General; \$13.395 million for management and administration; and \$3.5 million for client self-help and information technology. The Committee will consider the Administration's request to determine whether it will adequately support LSC's goals as determined by Congress.

### **VIOLENCE AGAINST WOMEN**

The Justice Department's Violence Against Women Office (VAWO) is charged with administering the Violence Against Women Act (VAWA). VAWA plays an important role in providing grants to help state, tribal, and local governments develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women; develop and strengthen victim services in cases involving violent crimes against women; encourage arrest policies, distribute rural domestic violence and child abuse enforcement grants; aid victims of domestic violence, stalking, or sexual assault; reduce abuse and domestic violence; provide safe havens for children of abuse; and training for judges and court personnel. The Administration requests \$363 million for FY 2006 for the Office of Violence Against Women. Because of the critical importance of VAWA, the Committee supports full funding of VAWA.

Additionally, the Committee supports the Administration request for a \$175,000 increase, setting the funding level at \$2.96 million, for the National Stalker and Domestic Violence Reduction Program. The Committee expects to reauthorize the Violence Against Women Act, which was authorized through FY 2005 in the 106th Congress.

### **DNA BACKLOG ELIMINATION**

In accordance with the Justice for All Act, which was a bipartisan effort of this Committee and was

signed into law on October 30, 2004, the Administration DNA Initiative requests funding for the following purposes: 1) to eliminate the DNA crime scene and convicted offender backlog; 2) make forensic lab improvements; 3) provide grants for DNA research and development; 4) provide specialized training for law enforcement and medical personnel; 5) provide programs to identify missing persons; and 6) provide post-conviction DNA testing. The Committee supports the Administration's request of \$177 million. This is a \$72.7 million increase over the FY2005 appropriation.

The Committee recognizes that effective DNA backlog reduction requires the defrayal of sample analysis costs and improvements to equipment, including automation upgrades, to increase the ability of state and local labs to effectively provide DNA analysis and improve criminal records reporting.

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

The Committee recommends that the State Criminal Alien Assistance Program (SCAAP), be funded for FY 2006. The Administration does not request any funding for this program in FY2006, pointing out that the OMB Performance Assessment Rating Tool (PART) review found this program lacking in performance goals and demonstrated results. However, the program was originally authorized at \$650 million under the Violent Crime Control and Law Enforcement Act of 1994 and the FY2005 enacted level was \$300.9 million. The Committee notes that the authorization for this program has expired and supports enactment of legislation that will provide a more efficient long-term solution.

State and local governments have had to bear an immense fiscal burden as a result of incarcerating criminal aliens. Although control of our nation's borders is under the exclusive jurisdiction of the federal government, states and localities are only partially reimbursed for these expenditures. Reinterpretation of the statutory language establishing the program has further reduced the ability of state and local governments to be fully reimbursed for their actual costs. The Committee believes that SCAAP should be adequately funded to assist state and local jurisdictions when the federal government fails to meet its responsibility to prevent illegal immigration.

### **DRUG ENFORCEMENT ADMINISTRATION - DOJ**

For FY 2006, the Administration has requested a \$107.3 million increase (to \$1.9 billion) for the Drug Enforcement Administration. Roughly \$22.6 of the increase will go to the Drug Enforcement Administration (DEA) to add 55 positions to concentrate on its priority targeting initiative to strengthen DEA's efforts towards disrupting and dismantling priority targets. Many of which represents the "Most Wanted" drug supply and money laundering organizations believed to be primarily responsible for the nation's illicit drug supply.

The Committee believes that combating narco-terrorists and drug traffickers here and abroad must continue to be a top priority of Federal law enforcement to continue the substantial progress made over the past decade in the struggle against the manufacturing, distribution, and use of illegal drugs. In support of those efforts, the Administration request includes 31 positions and a \$34.7 million

increase for programs in Afghanistan, Central Asia and the Middle East. The Committee supports the requested increase and continues to review DEA's mission, priorities, strategies and activities to determine if the DEA has properly allocated its resources to combat international trafficking organizations.

The Administration request for the Organized Crime Drug Enforcement Task Force (OCDETF), includes an increase of \$108.4 million in an effort to continue the identification and targeting of major trafficking organizations responsible for the U.S. drug supply. The Attorney General's Drug Enforcement Strategy restored the focus of the OCDETF program to facilitate coordinated investigations of major drug supply and money laundering organizations targeting the entire infrastructure of these enterprises. The Committee supports the continued operation of OCDETF under the direction of the Department of Justice and the transfer of the High Intensity Drug Trafficking Area program from the Office of National Drug Control Policy to OCDETF. This transfer will provide for a unified approach against drug trafficking by law enforcement and prosecutors.

#### **JUSTICE ASSISTANCE (OJP and "COPS")**

The Administration request reflects both a reduction in funding for the Office of Justice Programs and the Community Oriented Policing Services and a shift in priorities from previous administrations. The Committee notes that despite the reduction in funding for state and local law enforcement at the Department of Justice, the Administration request includes \$3.6 billion for state and local government preparedness and coordination to prevent, deter, and respond to terrorist attacks at the Department of Homeland Security.

The Committee supports robust funding for state and local first responders. First responders are the most likely to confront a terrorist attack before any Federal official. Since 2001, the Administration and Congress has provided \$16 billion for state and local first responders needs. The Committee understands the limitation of resources and supports the Administration's efforts to consolidate the management of first responder grants under ODP.

This Committee will work with its Senate and House counterparts to ensure that the Nation's homeland security policy protects all America.

The Committee agrees with the Administration that Office of Justice Programs funds (including VAWA and COPS) should continue to be used to provide flexible grants for state and local law enforcement assistance and shares the concern of the Administration with regards to earmarking and a lack of evaluation of OJP and the Community Oriented Policing Services (COPS) grants.

The Committee plans to continue vigorous oversight of the operations and structure of OJP to ensure continued evaluation of these programs to ensure support of effective crime prevention programs.

The Committee favorably reported legislation in the 108th Congress and expects to consider legislation again in the 109th Congress to reauthorize and reorganize OJP and COPS grant programs to consolidate programs with similar purpose areas and decrease opportunities for earmarking.

The Committee believes increased review of the effectiveness of these programs is vital to sensible administration of the grants. GAO studies have raised concerns regarding the administration and evaluation of OJP and COPS grant programs, therefore the Committee supports funding for increased evaluation and data collection activities in its DOJ reauthorization legislation.

The Department of Homeland Security has consistently said that homeland security starts in our hometowns, and the COPS program is one of the programs that makes our hometowns safer. The program has helped local communities across the nation hire additional police officers and acquire the equipment and technology they need to help keep our streets safe. COPS enjoys support among the Nation's major law enforcement organizations.

The President's FY06 budget proposal eliminates funding for key programs and initiatives, including COPS hiring initiatives, communications technology grants, and law enforcement technology grants. The COPS program has helped communities large and small across the nation and has enjoyed strong, bipartisan support in Congress. The Committee's reauthorization bill, which passed the House of Representatives in the 108th Congress, restructured the COPS program to allow more flexibility and provided more money overall for COPS program activities than is included in the Administration's budget. Hence, the Committee specifically recommends that funding be increased for COPS.

The Committee supports the efforts of the Office of Justice Programs in providing assistance to state and local law enforcement through a consolidation of the Byrne Grants and Local Law Enforcement Block Grants ("LLEBG") grants into a new Justice Assistance grant program. However, the Committee has concerns that the funding for these grant programs may be insufficient and will conduct oversight to ensure that important functions of the programs are not restricted or limited. The Committee is committed to working with the Administration to continue to provide flexible grants for state and local law enforcement.

Additionally, the Committee notes that in the last Congress legislation was enacted to support the Bulletproof Vest Program and provide training for defense counsel and prosecutors in capital cases. The Committee supports the Administration request to provide an increase in funding of \$6.2 million for Bulletproof Vests (for a total of \$29.9 million) and \$20 million for Capital Litigation Improvement Grants Program. While the Committee supports funding for this purpose, the Committee would like to see full funding for the Capital Counsel grants envisioned in the Justice for All Act (which became law on October 30, 2004).

The Committee also supports the Administration effort to set aside additional funds for Project Re-entry to reduce recidivism rates by assisting inmates returning to society through faith-based and

community organizations.

The Weed and Seed program provides a comprehensive solution to weed out violent crime and seed communities with crime prevention programs. The Committee supports funding of this program at \$51.2 million.

## **JUVENILE JUSTICE**

The Juvenile Accountability Incentive Block Grant Program (JAIBG), has helped States and localities throughout the country reform and strengthen their juvenile justice system. The Committee authorized a new block grant program called the "Juvenile Accountability Block Grant (JABG)" in the "21st Century Department of Justice Reauthorization Act" through FY 2005. The Committee notes that the "Consequences for Juvenile Offenders Act of 2002," contained in the Department of Justice Reauthorization Act, expanded the purposes of these grants and authorizes grant funding to be awarded to states through OJP to encourage states to adopt graduated sanctions programs for juvenile offenders. This program received a \$54.3 million appropriation (with rescissions) in FY 2005. The Committee is concerned that the Administration did not request funding for this program for FY 2006. The Committee notes that the authorization for this program is expiring at the end of FY 2005 and will consider whether it is appropriate to reauthorize this program.

Project ChildSafe is a Federal, state, and local partnership designed to ensure that child safety locks are made available for every handgun in America. Such locks would prevent the unauthorized use and inadvertent discharge of firearms. In the past, this program has received support from the Judiciary Committee and the Administration. The President recommends \$33.8 million for ChildSafe for FY 2006. The Committee notes that this program received a \$4.9 million appropriation (with rescissions) in FY 2005. These efforts along with the \$72 million proposed for the State and Local Gun Violence Assistance Program (and the consolidation of this program with Project Sentry) to focus combined state, local and federal efforts to combat gun violence are part of the Administration's Project Safe Neighborhood.

## **STATE AND LOCAL ASSISTANCE**

The Administration budget request includes shifting all programs funded under the State and Local Law Enforcement Assistance Program to the OJP Justice Assistance program appropriation. This will include Byrne Justice Assistance grants, SCAAP, the Residential Substance Abuse Treatment grants (RSAT), Drug Courts, Prison Rape Prevention, and the Improving State/Local Law Enforcement Intelligence Capabilities. The Committee supports these efforts at better coordination and consolidation.

The Committee supports the Administration funding request of \$10.2 million to encourage prosecution and collect statistics on the incidence of sexual assault in prison. The Drug Courts and

Residential Substance Abuse Treatment (RSAT) Programs provide important opportunities to reduce demand for illegal drugs. The Committee supports the increase of funds over the FY 2005 appropriation (with recisions) to these programs for a total of \$70 million for drug courts and \$44.1 million for RSAT.

The National Criminal History Improvement Program (NCHIP) provides grants to states and local governments to improve criminal history and related records which are vital to accuracy in determining eligibility to purchase firearms, work with children or hold a position of public trust. The Committee supports the increase of funding to \$58.2 million to address these concerns.

As our nation works to ensure security and fight terrorism, it is imperative that we focus on proper training and assistance for state and local officers on the front lines. To enhance these efforts at the state and local level, the Committee supports the Administration's proposed increase of State and Local Anti-terrorism Training program to \$14 million, the Regional Information Sharing System to \$45 million, and the Southwest Border Prosecutor Initiative to \$48.5 million.

#### **UNITED STATES MARSHALS SERVICE-DOJ**

The Marshals Service has varied responsibilities. The Service administers the Asset Forfeiture Program of the Justice Department; conducts investigations involving escaped federal prisoners and other fugitives; ensures safety at judicial proceedings; assumes custody of individuals arrested by all federal agencies; houses and transports prisoners; and manages the Witness Security Program.

In support of the Department of Justice's (DOJ) strategic goal of "ensuring the fair and efficient operation of the federal justice system," the Administration has requested an overall spending increase for the United States Marshals Service. This increase of \$42.7 million is the difference between the FY 2005 appropriation (with recisions) and the FY 2006 request. The Department is requesting \$7.4 million and 79 positions to address increased judicial security requirements. Twelve positions and \$4.5 million is requested for information technology security to resolve security deficiencies and vulnerabilities. DOJ requests 23 positions and \$1.9 million to increase the level of prisoner care and oversight. The Committee supports these spending requests and the underlying initiatives.

#### **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES**

The Administration is requesting an increase of \$45.1 million from the FY 2005 appropriation (with recisions) for the Bureau of Alcohol, Tobacco, Firearms and Explosives. The Bureau of Alcohol, Tobacco, Firearms and Explosives has also assumed the lead Federal role in gun trafficking and identifying suppliers of guns used in crimes. This increase includes 2 positions and \$6 million for the Terrorist Explosives Device Analysis Center (TEDAC) and 150 positions and \$30.3 million to establish Violent Crime Impact Teams in additional locations.



The Bureau of Alcohol, Tobacco, Firearms and Explosives is responsible for enforcing the federal laws relating to alcohol, tobacco products, firearms and explosives, and reducing violent crime. ATF works with other law-enforcement agencies to investigate and prevent violent crimes related to firearms, explosives and arson. It provides training to state and local law enforcement in arson and explosives detection, including canine detection training. As part of its efforts to fight violent crime, the ATF has been involved in investigating and reducing gang violence nationwide.

As the regulator of explosives, the Bureau is the part of the frontline defense in terrorism. Legislation creating the Department of Homeland Security transferred this agency to the Department of Justice and gave it new powers to regulate the possession and use of explosives. Additionally, it not only regulates commerce in explosives, but also investigates explosive-related crimes. The Committee supports the request of the Administration for \$923.6 million to support the important work of ATF.

### **OFFICE OF GOVERNMENT ETHICS**

The Office of Government Ethics (OGE) is responsible for providing the overall direction of executive branch policies designed to prevent conflicts of interest and to ensure high ethical standards. For FY 2005, OGE was granted \$11.4 million in budget authority, an increase of approximately 7.5 % over the FY 2004 level of \$10.6 million. For FY 2006, OGE is requesting an authorization of \$ 11.4 million, equal to its FY 2005 level. The Committee recommends that OGE be adequately funded to fulfill its important functions.

### **COMMUNITY RELATIONS SERVICE-DOJ**

The Community Relations Service (CRS) was established under Title X of the Civil Rights Act of 1964. Since 1964, CRS has traditionally been responsible for the Prevention and Conciliation of Community Disputes program, which provides conciliation and mediation assistance to communities with the goal of achieving peaceful and voluntary resolution of racial and ethnic conflict. For FY 2005, CRS was granted \$9.53 million in budget authority, even funding from the FY 2004 level of \$9.53 million. In addition, the FY2005 appropriations language contained a provision permitting the Attorney General to make additional funding available to CRS, as may be necessary when "emergent circumstances require additional funding for conflict resolution and violence prevention activities," from other Department of Justice Appropriations. CRS is requesting \$9.8 million for FY 2006, which is a less than 1 % increase of \$.095 million over the FY 2005 appropriation. The Committee recommends that CRS be adequately funded to fulfill its important functions.

### **UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights was created to serve as a bipartisan, fact-finding agency. For FY 2005, the Commission was appropriated \$9.1 million, level funding from FY 2004 level. The Commission is requesting level funding of \$9.1 million for FY 2006. The Committee is

currently examining recent actions and expenditures of the Commission and reserves judgement on the proposed budget.

### **CIVIL RIGHTS DIVISION-DOJ**

The Civil Rights Division of the Department of Justice is the primary institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws prohibiting discrimination in education, employment, credit, housing, public accommodations, voting, and certain federally funded and conducted programs. The Division has eleven sections: Appellate, Coordination and Review, Criminal, Disability Rights, Educational Opportunities, Employment Litigation, Housing and Civil Enforcement, Office of Special Counsel for Immigration Related Unfair Employment Practices, Special Litigation, Voting, and Administrative Management. For FY 2005, the Division was appropriated \$107.7 million, an increase over the FY 2004 level of \$108.8 million. For FY2006, the Civil Rights Division is requesting \$110.4 million. The Committee recommends that funding levels for the Civil Rights Division be maintained at a level that permits it to carry out its critical mission of guaranteeing equality under the law.

### **U.S. PATENT AND TRADEMARK OFFICE**

The Committee proposes to authorize the United States Patent and Trademark Office (USPTO) to collect and spend \$1,703,300,000, subject to appropriation acts, from fee collections in FY 2006 to cover operating expenses, including the payment of retirement benefits for employees. This amount is derived from user fees paid by patent and trademark applicants or from fees for other services provided by the Office. This amount reflects a conservative estimate of a minimum five percent increase in patent application filings above the prior year. No taxpayer funds are expected or recommended.

The Administration has requested \$1,703,300,000 for USPTO operations in FY 2006, derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 (trademarks) and 35 U.S.C. 41 and 376 (patents).

The Committee supports full-funding of the USPTO and the elimination of any incentive to use agency revenues for non-USPTO purposes. All revenue generated under the new fee schedule, adopted as part of the Consolidated Appropriations Act of 2005, is necessary to implement the USPTO 21st Century Strategic Business Plan, including proposed quality initiatives, E-Government initiatives, and enhanced patent processing. The Committee will continue to work with the House Leadership and the Committee on Appropriations to end the practice of user-fee diversion without compromising the ability of the Committee on Appropriations to conduct oversight of USPTO activities.

## U.S. COPYRIGHT OFFICE

The Copyright Office budget is a separate appropriation in the overall budget for the Library of Congress. The Copyright Office administers the U.S. copyright laws, provides copyright expertise to the Congress and executive branch agencies, and actively promotes international protection for intellectual property created by U.S. citizens.

The Committee supports the Copyright Office's basic appropriations request for FY2006 of \$52,715,530. Of this amount, \$26,481,000 will be offset by amounts collected through registration and other fees. The Office's work administering compulsory licenses is fully funded by deductions (\$4,175,189) from royalty fees. Less the offsets, the Office is requesting a net appropriation of \$26,234,530. Sufficient funding is required in FY 2006 to allow the Office to continue to fulfill its public service responsibilities – including the implementation of its re-engineering program.

## THE FEDERAL JUDICIAL SYSTEM

The Committee recognizes the Judiciary's essential role in providing justice to all citizens and the ever increasing workload and additional responsibilities thrust upon the Judiciary. The Committee understands that while the Judiciary has no control over the number of cases that are filed in the Courts, it must handle each case filed and has no flexibility in how quickly it must handle many of these cases.

In FY 2004, due to budget constraints, the Judiciary was forced to reduce its staffing levels by 1,350 position. This equates to six percent of the staff in the clerks, probation and pretrial services offices that were on-board at the beginning of fiscal year 2004. The FY 2005 appropriation, while sufficient to avoid further widespread personnel reductions, will allow for only minimal restoration of the staff lost in FY 2004, and no resources to address the courts' growing workload needs. As a result of these staffing losses, the Judiciary is beginning to report some degradation in services, including reduced public hours and delay in payments to citizens who have served as jurors. In addition, because of the budgetary shortfall, supervision of targeted, lower-risk offenders is being suspended or reduced in order to maintain the level of supervision for more serious cases.

For FY 2006, the Judiciary has requested an appropriation of \$5,952,450,000, which the Committee supports. These funds when combined with non-appropriated funds (such as fees) represent a 7.1 percent increase in overall available funding when compared to the previous fiscal year. The requested appropriation will allow the Judiciary to restore the staff lost during the course of FY 2004 and will provide some additional resources to address workload growth. Appellate, criminal, bankruptcy, probation, and pretrial service caseloads have all seen double-digit increases since FY 2000 – yet over that same period funded court staff levels have declined.

In addition, during the 108th Congress the Committee reported legislation, which the House of

Representatives passed, to create 47 additional U.S. district and 11 circuit judgeships. This was done in response to recommendations made by the U.S. Judicial Conference to meet the growing workload of the Judiciary. The Committee anticipates reporting a similar bill during the 109th Congress. The Congressional Budget Office estimated by letter of September 28, 2004, that implementing such legislation would cost \$225 million. Of this amount, \$8 million would be needed in the first year. The Committee therefore recommends that an additional \$8 million be added to the FY 2006 Judiciary request of \$5,952,450,000.

Finally, the Committee agrees that funds should be appropriated to support additional workload and inflationary cost increases for the Defender Services, Fees of Jurors, and Court Security accounts (which the Judiciary considers to be mandatory expenses), as well as the operating expenses of the Courts of Appeals, District and Bankruptcy Courts, and Probation/Pretrial Services Offices.

### **THE STATE JUSTICE INSTITUTE**

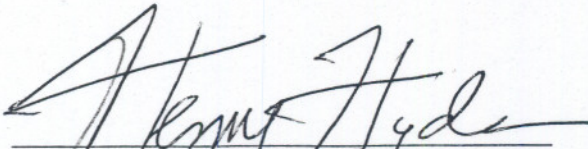
Congress established the State Justice Institute (SJI) as a private nonprofit corporation in 1984. Its purpose is to improve judicial administration in state courts. SJI accomplishes this goal by providing funds to state courts and other national organizations or non-profits that support state courts. SJI also fosters cooperation with the federal judiciary in areas of mutual concern. Since its creation in 1987, the Institute has awarded more than \$125 million in grants to support over 1,000 projects. Pursuant to oversight legislation passed in the 107th Congress, the Attorney General, in consultation with the Federal Judicial Center, conducted a review of SJI operations and reported his findings to Congress. In sum, the Attorney General noted that the Institute had been “effective” and had complied with its statutory mission. He further observed that “support for state court innovation and improvement is a federal interest.”

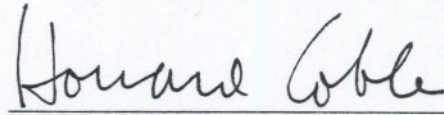
The 108th Congress reaffirmed its commitment to SJI by authorizing its operations through FY 2008 pursuant to the terms of Public Law 108-372. Consistent with this legislative action, the Committee support a \$7,000,000 appropriation for SJI in FY 2006. The Institute is usually funded as a “related agency” in the Commerce-Justice-State appropriations bill.

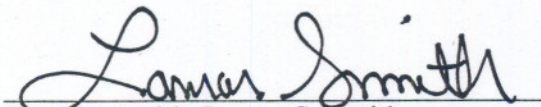
# COMMITTEE ON THE JUDICIARY

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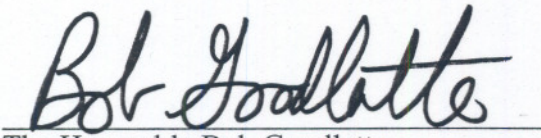
## VIEWS AND ESTIMATES FOR FISCAL YEAR 2006

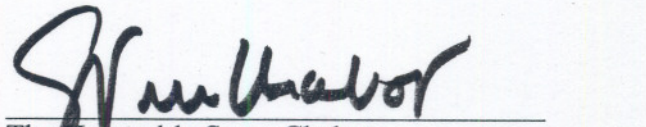
  
The Honorable Henry J. Hyde

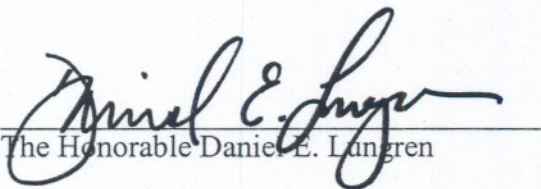
  
The Honorable Howard Coble

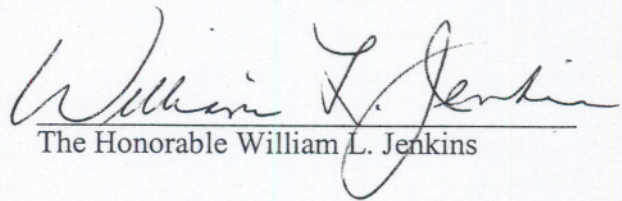
  
The Honorable Lamar S. Smith

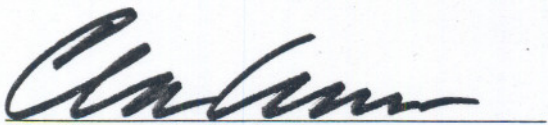
  
The Honorable Elton Gallegly


  
The Honorable Bob Goodlatte

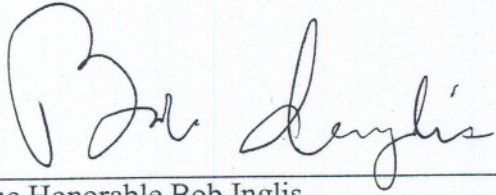
  
The Honorable Steve Chabot  
See clarification note

  
The Honorable Daniel E. Lungren

  
The Honorable William L. Jenkins

  
The Honorable Chris Cannon

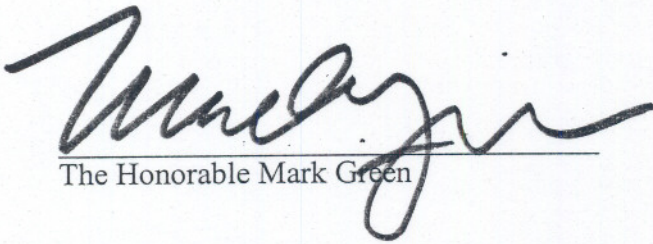
  
The Honorable Spencer Bachus



The Honorable Bob Inglis



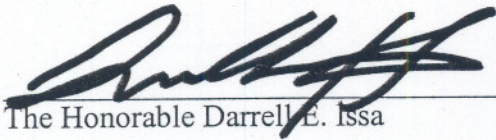
The Honorable John Hostettler



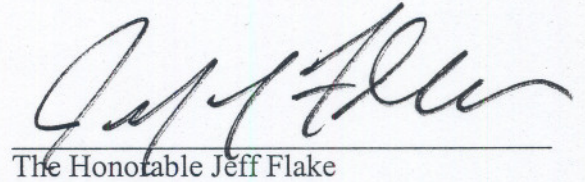
The Honorable Mark Green



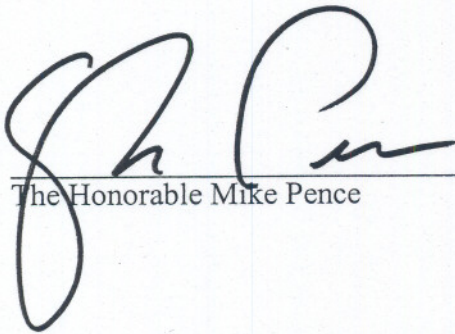
The Honorable Ric Keller



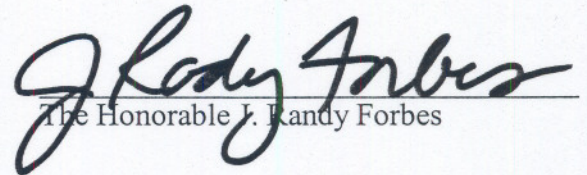
The Honorable Darrell E. Issa



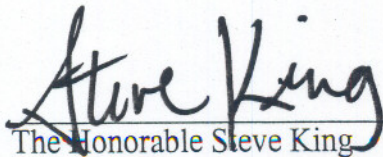
The Honorable Jeff Flake



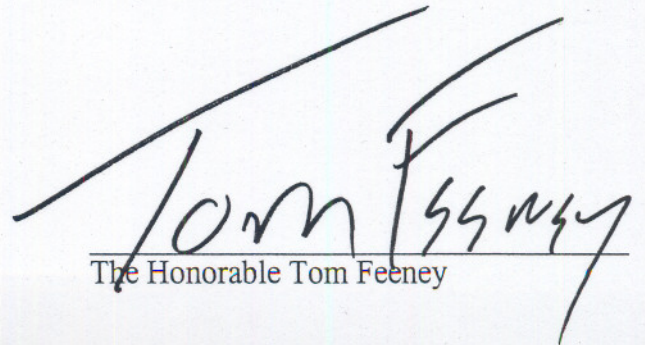
The Honorable Mike Pence



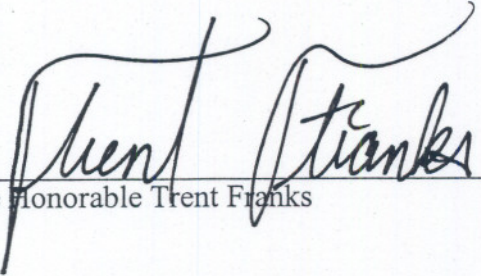
The Honorable J. Kandy Forbes



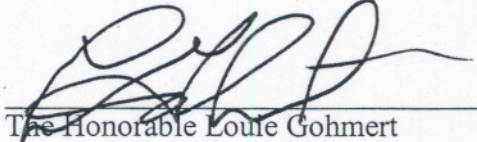
The Honorable Steve King



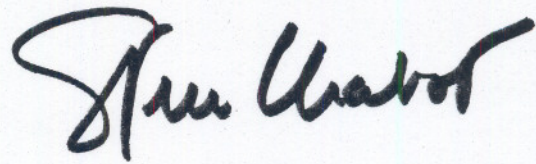
The Honorable Tom Feeney

A handwritten signature in black ink, appearing to read "Trent Franks". The signature is written in a cursive style with a large initial "T".

The Honorable Trent Franks

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The Honorable Louie Gohmert

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Clarification Note:

DNA Backlog Elimination

That funds directed under Section (5) "provide programs to identify missing persons" also include testing to identify unidentified remains.



Committee FY2006 Budget Views and Estimates

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Tinda J. Sanchez

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Zoe Loff

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Zoe Loff  
w/ Additional Views

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Harold Bennett

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William D. ...

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## **ADDITIONAL VIEWS**

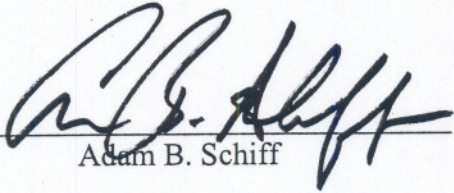
### **COMMITTEE ON THE JUDICIARY VIEWS AND ESTIMATES FOR FISCAL YEAR 2006**

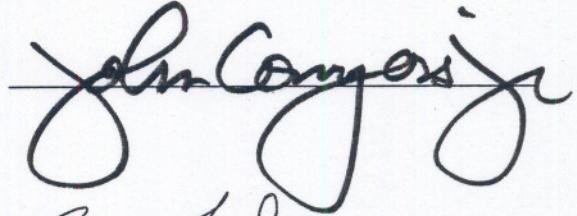
We offer the following additional views regarding “The Federal Judicial System” and “Bankruptcy Judgeships”:

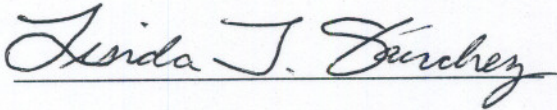
In the 108<sup>th</sup> Congress, the Committee reported legislation, which the House of Representatives passed, to create 47 additional U.S. district and 11 circuit judgeships. This was done in response to recommendations made by the U.S. Judicial Conference to meet the rapidly growing workload of the Judiciary. However, these important changes failed to move forward as unrelated controversial proposals were attached to the base legislation. With the Committee likely to report a similar bill during the 109<sup>th</sup> Congress, we strongly oppose any effort to attach proposals that may further stall or prevent the creation of these critical additional judgeships.

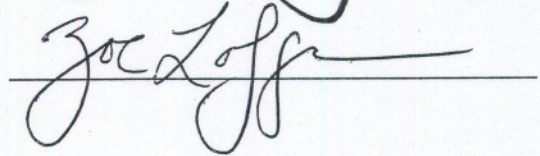
The Committee also supports increasing the number of bankruptcy judgeships to ensure the efficient disposition of bankruptcy cases. Bankruptcy legislation pending in Congress would authorize 28 new temporary bankruptcy judgeships and extend four existing temporary judgeships. We support authorizing and extending these judgeships via separate judgeship legislation, rather than incorporating these important provisions in legislation that has languished in Congress for years.

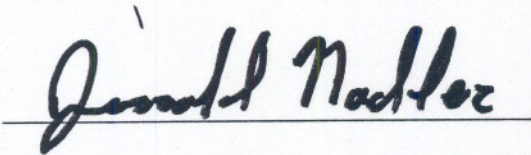
Additional Views from Adam B. Schiff on  
Views and Estimates for FY 2006

  
Adam B. Schiff









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## **ADDITIONAL VIEWS**

### **COMMITTEE ON THE JUDICIARY VIEWS AND ESTIMATES FOR FISCAL YEAR 2006**

We offer the following Additional Views regarding funding for first responders:

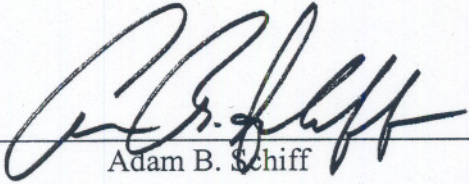
Since September 11<sup>th</sup>, the Administration and Congress has provided significant resources for state and local first responder needs. First responders are the most likely to confront a terrorist attack before any Federal official. However, our nation's first responders continue to indicate a strong need for training, equipment, communications interoperability, and other support required to ensure that they are fully prepared to prevent and respond effectively to future terrorist attacks. Therefore, the Committee supports robust funding for state and local first responders.

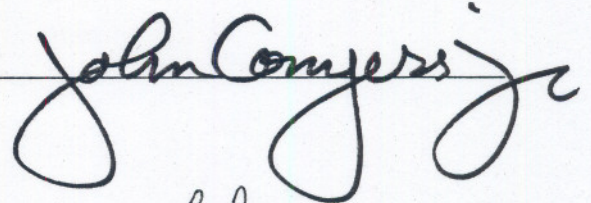
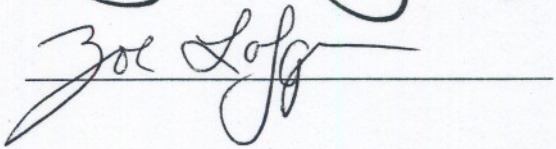
Since 2001, the Administration and Congress has provided \$16 billion for state and local first responder needs. Yet, nearly half of these funds have been allocated according to widely-criticized formulas that bear little relation to need and risk. Recognizing this, the Intelligence Reform and Terrorism Prevention Act of 2004 included a call for reforming the system for distributing State and local terrorism preparedness grants.

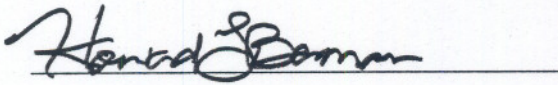
The Budget proposes to restructure \$2.6 billion in grants for States, urban areas, and infrastructure protection, so that DHS will target grants to fill critical gaps in State and local terrorism prevention and preparedness capabilities, taking into consideration their threats and vulnerabilities. The Committee supports the Administration's steps to increase funding for high-threat urban areas in response to serious concerns expressed during Committee oversight with regard to the disproportionate share of federal funds sent to less populated areas at the expense of highly populated metropolitan areas.

The Committee recognizes that the strength of our Nation's homeland security also includes meeting the needs of our small cities and small towns. However, this need must be met while ensuring that small cities and towns without a history of terror threats do not receive a disproportionate windfall. The Administration's reforms in this area represent strong progress in this area. The Committee will continue to work with its Senate and House counterparts to ensure that the Nation's homeland security policy protects all America. This will include an examination of whether the existing formula, which still employs a small state minimum, requires even further modification to ensure an appropriate and logical distribution of funds based on threats, population density, and other vulnerabilities.

Additional Views from Adam B. Schiff on  
Views and Estimates for FY 2006

  
Adam B. Schiff







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