

**BREACHED BOND/DETENTION FUND**

(Dollars in thousands)

**Permanent Indefinite Special Fund**

	Perm. Pos. 1/	FTE	Amount
1999 actuals.....	21	20	\$149,315
2000 appropriation 2/.....	21	19	69,035
Increases (See p. 113).....	...	44	3,599
2001 base.....	21	63	72,634
Program changes (detailed below).....	...	...	37,500
2001 estimate .....	21	63	110,134

1/ Permanent positions reflect positions funded from program revenues, and are not included in the Department's positions total.

2/ In FY 2000, Congress authorized a spending level of \$110,423,000 for the Breached Bond/Detention fund, however, INS anticipates only \$69,035,000 in available resources for program requirements.

Comparison by activity and program	2000 Appropriation			2001 Base			2001 Estimate			Increase/Decrease		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Enforcement												
Detention and Deportation.....	6	5	\$67,182	6	44	\$70,491	6	44	\$107,991	...	...	\$37,500
2. Immigration Support												
Legal Proceedings.....	4	3	389	4	3	421	4	3	421	...	...	...
3. Program Direction												
Management & Administration.....	11	11	1,464	11	16	1,722	11	16	1,722	...	...	...
Total.....	21	19	69,035	21	63	72,634	21	63	110,134	...	...	37,500

The Breached Bond/Detention Fund was authorized in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amended Section 286 of the Immigration and Nationality Act (INA) of 1952, as amended, by establishing, in the General Fund of the Treasury, a separate account to be called the Breached Bond/Detention Fund. The first \$8,000,000 in breached cash and surety bonds collected goes to the General Fund of the U.S. Treasury. All collections in excess of \$8,000,000 posted under the INA, which are recovered by the Department of Justice, are deposited as offsetting collections into this fund. Amounts deposited into the fund remain available until expended, can be used for expenses incurred in the collection of breached bonds, and for expenses associated with the detention of illegal aliens.

In 1998, the Immigration Detention Account receipts were merged into this account. These receipts are derived from the penalty portion of the receipts collected under Section 245(i) of the INA. Congress did not renew the provision for filing new 245(i) adjustments in FY 1998, but did pass an extension of eligibility for certain aliens who had begun the immigrant visa process prior to January 14, 1998. The filing of appropriate paperwork prior to January 14, 1998, may preserve an individual's eligibility to apply for adjustment of status in the future, and, as such, receipts generated by 245(i) applications will still be collected for the next several years.

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(Dollars in thousands)

In FY 2000, Congress authorized a spending level of \$110,423,000 for the Breached Bond/Detention Fund. However, based on revised receipt estimates, INS believes the fund can support only \$69,035,000 in program activities. This level excludes the first \$8,000,000 in breached bond receipts that must be deposited into the Treasury. To offset this decline in funding in 2001, the President's budget requests the reauthorization of 245(i). In FY 2001, resources from bond receipts will be used to support the detention of criminal and illegal aliens; continue bond management and collections activities; and to support litigation activities to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS.

<u>Program Changes</u>	<u>Perm. Pos.</u>	<u>FTE</u>	<u>Amount</u>
Detention Beds and Transportation.....	...	...	\$37,500
<p>The President's FY 2001 budget proposes reauthorizing INA section 245(i), which permits aliens illegally in the U.S. to adjust their immigration status while remaining in the U.S., provided the applicant pays a penalty fee. In FY 2001, INS estimates receipts generated from such filings will total \$75,000,000. Of this amount, the budget proposes that half of these receipts be directed to the Breached Bond Detention Fund, and half directed to the proposed new Immigration Services Capital Investment Account, discussed elsewhere in this Budget Summary.</p> <p>The President's FY 2001 budget proposes using the new receipts deposited into this account for three purposes: 1) replace one-time detention resources made available as part of the FY 2000 Appropriation; 2) increase the number of critically needed juvenile detention beds; and 3) increase the number of JPATS movements.</p> <p>The FY 2000 Appropriation included a considerable enhancement for the Detention program, part of which was from direct appropriation, and part of which came from recoveries of FY 1995 Violent Crime Reduction Fund resources. The recoveries totaled \$26,000,000, which are one-time resources. The budget request proposes to use <b>\$27,000,000</b> of the anticipated 245(i) receipts to replace the \$26,000,000 available in FY 2000. If these anticipated receipts are not made available, INS will be forced to adjust downward the Detention program level that anticipated Breach Bond receipts would support. This would mean that INS would have to reduce its number of detention beds by almost 1,000.</p> <p>Additionally, <b>\$5,550,000</b> is requested to increase the number of JPATS movements in FY 2001. Coupled with the enhancement requested in the S&amp;E appropriation, INS anticipates increasing its number of JPATS movements by 16,000 over the FY 1999 level, for a total of 85,000 JPATS moves in FY 2001.</p> <p>Finally, <b>\$4,950,000</b> is requested to increase the number of juvenile detention beds by an additional 82 beds in FY 2001. With this enhancement, INS requests a total of 120 new juvenile detention beds in FY 2001 (38 new beds requested in the S&amp;E appropriation), and this will bring INS' total average daily bed level to 19,702 in FY 2001.</p>			
Total Program Changes.....	...	...	37,500