

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 2001. Sections 101 through 107 are substantively unchanged from the 2000 enacted provisions.

Section 101, which states that a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General, is unchanged from the 2000 provision.

Section 102 continues the authorizations contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980" until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

Section 103, (section 104 of the 2000 Act) which is unchanged, states that none of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way, the performance of an abortion.

Section 104 (section 105 of the 2000 Act) states that nothing in section 103 shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility; and that nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Section 105 (section 106 of the 2000 Act) states that notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds appropriated to the Department of Justice in this Act may be used for publicly-advertised, extraordinary rewards, which are not subject to the limitations found in 18 U.S.C. 3059 and 3072. Any rewards of \$100,000 or more, up to a maximum of \$2,000,000 must be personally approved by the President or the Attorney General.

Section 106 (section 107 of the 2000 Act) states that not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, may be transferred between such appropriations, but no appropriation, except as otherwise specified, shall be increased by more than 10 percent by such transfers. Any transfers pursuant to this section must be treated as a reprogramming of funds under section 605 of this Act. This section remains unchanged, except for the removal of the Violent Crime Reduction Trust Fund language, for which authorization expires at the end of 2000.

Section 107 (section 108 of the 2000 Act) provides the authorization of the Assistant Attorney General for the Office Of Justice Programs to make grants, enter into cooperative agreements and contracts, and have final authority over all grants, cooperative agreements, and contracts, for the Office of Justice Programs, for fiscal year 2001 and hereafter. The permanent extension of this authority, and the deletion of the transfer of authority to the Assistant Attorney General for the Office of Justice Programs, which was made permanent on August 1, 2000, are the only changes.

Section 108 (section 112 of the 2000 Act) states that Section 3024 of the Emergency Supplemental Appropriations Act, 1999, shall apply for fiscal year 2001. Section 3024 states that the Director of the Office of Crime Victims of the Office of Justice Programs, may make grants, as provided in the Victims of Crime Act of 1984, as amended, to victim service organizations and public agencies, with emergency or on-going assistance to the victims of the bombing of Pan Am flight 103. The extension of this section to 2001 is the only change.

Section 109 amends section 151 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (5 U.S.C 5928 note), is amended by inserting “or Federal Bureau of Investigation” after “Drug Enforcement Administration”. This provision will provide special “danger pay” allowances for FBI agents in hazardous duty locations outside the United States, as is provided for the agents of the Drug Enforcement Administration. The Federal Bureau of Investigation is working with the Department of State to handle objections to this provision.

Section 110 provides that for fiscal year 2001 and thereafter, whenever the FBI participates in a cooperative project to improve law enforcement or national security operations or services with a friendly foreign country on a cost-sharing basis, that country’s share of the project may be credited to any current appropriation available to the FBI. This will allow the FBI to enter into cooperative projects with foreign countries in order to improve law enforcement or intelligence operations and services.

Section 111 amends section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1356), as amended. Proposed language would increase the current user fee by \$2.00, to \$8.00, and would also lift the cruise ship exemption and institute a \$3.00 cruise ship fee from passengers whose journeys originated in Mexico, Canada, the United States, a territory or possession of the United States, or any adjacent island to the United States. However, it would not apply to immigration inspection at designated ports-of-entry for passengers arriving by Great Lakes international ferries or Great Lakes vessels on the Great Lakes and connecting waterways, when operating on a regular schedule. The user fee was last increased (from \$5.00 to \$6.00) in FY 1994. In 2000, INS anticipates that program costs will exceed new revenues and that prior year carry forward funds will be depleted by FY 2001.

Language is proposed authorizing the Land Border Inspection Fee account (Section 286(q) of the Immigration and Nationality Act) to deposit fees for processing forms I-94, I-94W, and I-68 into this account, rather than in the Examinations Fee account. If enacted, inspections positions supported by these fees would be moved from the Examinations Fee account to the Land Border Inspection Fee account for FY 2001.

Language is proposed to establish an Immigration Services Capital Investment Account (ISCIA) to fund service infrastructure, system upgrades, and address other immigration benefit backlogs. Establishing the ISCIA would provide a mechanism for tracking infrastructure spending in immigration services. The proposed request of \$127,300,000 would be capitalized from the Premium Processing Fee (\$55,000,000), reauthorization of a permanent 245(i) adjustment of status program (\$37,500,000), and direct appropriation (\$34,800,000). A fee for “Premium Service” would be voluntary for business-related applications and would not impact family based applications. Premium service would provide businesses with a consistently high level of customer service and improved processing. The improved service would include: guaranteed processing within 15 days for business cases, fax capability for resolution of evidentiary issues and access to an ombudsman to quickly rectify processing errors. Additional services may be provided based upon customer needs. The proposed fee for this service would be \$1,000. This new fee would provide businesses with an option besides the regular processing of business cases, which currently requires 60 days to over one year, depending upon the form type and the servicing office. In 2001, the premium processing fee would generate approximately \$80,000,000. Of this amount, \$25,000,000 would be used for adjudication and naturalization processing and fraud investigations. The remaining \$55,000,000 would be put into the Immigration Services Capital Investment Account.

Language is proposed to establish a Genealogy Fee for providing genealogy research and information services. This fee shall be deposited into the Examinations Fee account. Fees for research and information services would be set at a level that would ensure recovery of full costs of providing all such services.

Section 112 states that beginning in fiscal year 2001 and thereafter, funds appropriated to the Federal Prison System may be used to place in privately operated prisons only such persons sentenced to incarceration under the D.C. Code as the Director, Bureau of Prisons, may determine to be appropriate. The proposed language would allow the Director, Bureau of Prisons, the authority to provide for incarceration of D.C. prisoners in privately operated prisons, consistent with other Federally sentenced inmates. The change would ensure that, in discharging its privatization obligations, the Bureau of Prisons will not be obligated to place felons determined to be dangerous in less secure facilities.

Section 113 provides in addition to any amounts otherwise available, one percent of the funds appropriated to the programs of the Office of Justice Programs may be transferred to and merged with the funds for the National Institute of Justice to carry out research and evaluation.

Section 114 amends section 620 of P.L. 106-113 to increase amounts available in the Crime Victims Fund in FY 2001 to \$550,000,000.

Section 115 amends section 506(c) of P.L. 103-317 (108 Stat. 1766) to read the amendment made by subsections (a) and (b) shall take effect on October 1, 1994. This proposed language will permanently extend section 245(i) of the Immigration and Nationality Act, which permits aliens illegally in the United States to adjust their immigration status while remaining in the United States, provided the applicant pays a penalty fee.

Section 116 amends section 245(i)(3)(B) of the Immigration and Nationality Act, 8 U.S.C. 1255(i)(3)(B) to read, "Any remaining portion of fees remitted shall be allocated in equal shares to the Breached Bond Detention Fund and to the Immigration Services Capital Investment Account." This proposed language reallocates receipts that would result from the permanent reauthorization of section 245(i) of the Immigration and Nationality Act. INS estimates receipts generated from such filings will total \$75,000,000. Of this amount, half of these receipts would be directed to the Breached Bond/Detention Fund, and half to the Immigration Services Capital Investment account.

Section 117 amends section 108 of the Department of Justice Appropriations Act, 1994, by stating that the Attorney General may credit up to 6 percent of all amounts collected by the Department of Justice Working Capital Fund, for personnel, administrative, and litigation expenses of civil debt collection activities. Currently, 3 percent of debt collections may be used for these purposes. The proposed language will provide for "first" paying the costs of processing and tracking of civil debt collection litigation activities of the Department.

Section 118 amends Section 5545a of title 5, United States Code, to propose the payment of availability pay to a pilot, border patrol agent, or detention-and-deportation officer employed by the Immigration and Naturalization Service. This provision shall take effect on the first day of the applicable pay period that begins on or after 120 days after the date of enactment of this Act. In addition, The Attorney General may establish special salary rates for border patrol agents, grades 5 through 11 of the General Schedule without regard to section 5305 of title 5, United States Code.

Section 119 provides that notwithstanding 42 U.S.C. 13798(b)(3), up to 5 percent of the funds made available by this Act for the Prison Grant Program may be used for the Violent Offender Incarceration Truth in Sentencing program.

The following sections are proposed for deletion and do not appear in the 2001 request. The section numbers are those in the 2000 Appropriations Act. Most of these sections amend the underlying statute or are permanent authorities and, thus, do not need to be continued.

Section 103 prohibited the use of Department of Justice funds to pay for an abortion. The Administration proposes to delete this provision and will work with Congress to address this issue.

Section 109 made the authority of sections 115 and 127 of the Department of Justice Appropriations Act, 1999 permanent. Therefore, this section is no longer required. Section 115 amended the Violent Crime Control and Law Enforcement Act of 1994 by providing additional flexibility to the FBI in using funds for support to investigations in Indian Country. Section 127 provided the Attorney General authority to hire additional assistant United States Attorneys and investigators in the City of Philadelphia, Pennsylvania, for a demonstration project and applies to fiscal year 2000 and thereafter.

Section 110 made the authority to pay judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, permanent. In addition the MOU for payment of litigation expenses was made permanent. Therefore, this section is no longer required.

Section 111 permanently amended section 507 of title 28, United States Code, as amended by adding subsection (c) which states, “. . . the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.” This section makes this authorization permanent.

Section 113 permanently amended section 1930(a)(1) of title 28, United States Code, which changes the filing fees for certain bankruptcy proceedings, from \$130 to \$155. Therefore, this section is no longer required.

Section 114 permanently amended section 4006 of title 18, United States Code, which prohibits the payment for certain services by the U.S. Marshals Service and the Immigration and Naturalization Service at a rate in excess of amounts charged for such services under the Medicare or Medicaid Programs. Therefore, this section is no longer required.

Section 115, which prohibited funds in the Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed in fiscal year 2000, is proposed for deletion. The Administration is proposing this for deletion without prejudice on the merits of the provision.

Section 116 states that section 113 of the Department of Justice Appropriation Act 1999, as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31), is amended by inserting “for fiscal year 2000 and hereafter.” This made permanent a provision to clarify the term “tribal” for the purpose of making grant awards under title I of the Act. Therefore, this section is no longer required.

Section 117 permanently amended section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)). This language provides a procedure to grant national interest waivers to physicians if they have served an aggregate of five years and will continue to serve in areas designated as medically underserved or at facilities under the jurisdiction of the Secretary of Veteran Affairs. This provision essentially restores the situation that existed for alien physicians prior to the Immigration and Naturalization Service decision in *New York State Department of Transportation*, and those physicians who filed prior to November 1, 1998, shall

be granted a national interest waiver if they agree to serve three years in medically underserved areas or at facilities under the jurisdiction of the Secretary of Veterans Affairs. Therefore, this section is no longer required.

Section 118 permanently amended section 286(q)(1)(A) of the Immigration and Nationality Act of 1993 (8 U.S.C. 1356(q)(1)(A), as amended. This provision permanently authorizes the Land Border Inspection Fee account, therefore, this section is no longer required.

Section 119 amended section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d). This provision extended the authorities included in the fiscal year 1998 Act, which authorized funds to be provided for the U.S. Attorneys victim witness coordinator and advocate program from the Crime Victims Fund. This provision is no longer required since a permanent amendment was made.

Section 120 amended Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994, subtitle C, section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), as amended. This provision authorized the collection and analysis of DNA samples voluntarily contributed from the relatives of missing persons. Since the statute was amended permanently, this provision is no longer needed.

Section 121 amended subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) by inserting “to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report,” and subsection (b)(2) of that section is amended by inserting “forwarded”. This provision changes the entity to which electronic communication service providers report instances of child pornography. Since the statute was amended, this provision is no longer needed.