

CRIME

APPROPRIATIONS FY 2000

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Department of Justice

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JUSTICE DEPARTMENT SEEKS \$21 BILLION BUDGET TO CONTINUE FIGHTING CRIME, COMBATING CYBER-TERRORISM, INCARCERATING FELONS AND PREVENTING DRUG ABUSE

Reno: "For Six Years Crime Has Fallen, But We Must Not Let Up"

WASHINGTON, D.C. – The Department of Justice announced today that it is requesting a total of \$21 billion for Fiscal Year 2000, a \$317 million increase over FY 1999 levels, to continue fighting crime, combating cyber-terrorism, curbing drug abuse and funding prison construction to incarcerate felons. It also is seeking increased resources to enhance its enforcement of civil rights laws.

Since President Clinton took office, the Justice Department's total budget has increased more than 88 percent.

"Crime has declined for six consecutive years. But we must not let up," said Attorney General Janet Reno. "Our budget request will enable us to build on our unprecedented success by giving communities the support they need to combat crime, fund new prisons to keep criminals off our streets, and expand our efforts to fight cyber-terrorism and drug abuse."

Highlights of the requested funds include:

- **Supporting Community Policing -- \$1.28 billion** for a 21st Century policing initiative to help communities build on their efforts under the COPS program. Funds from this initiative will help communities continue to enhance their community policing efforts by hiring, redeploying, and retaining law enforcement officers, and obtaining access to the latest crime-fighting technologies.

- **Adding 60 FBI Agents and \$122.54 million** in increased funding to expand efforts to protect the nation's critical information infrastructure from cyber-attacks and to combat domestic and international terrorism.
- **Building More Prisons -- \$738.2 million** in increased funding to construct, expand, activate, modernize and repair federal prisons to keep violent offenders off our streets.
- **Curbing Drug Abuse -- \$7.9 billion**, an increase of \$133.3 million over FY 1999, to continue fighting drugs--through interdiction, investigation, prosecution, treatment and prevention.
- **Enforcing Civil Rights Laws -- 19 percent increase** in funding for the Civil Rights Division--the largest increase in nine years--to expand its efforts to prosecute hate crimes, enforce fair housing and fair lending laws, and protect the rights of Americans with disabilities.

CONTINUING THE FIGHT AGAINST CRIME AND YOUTH VIOLENCE

"Violent crime has fallen to its lowest levels in a generation," Reno said. "But we will need a full arsenal of innovative strategies and programs--from high tech solutions to community-based prevention programs--to reduce crime even further."

Highlights include:

- **Preparing for the 21st Century**--Nearly \$1.3 billion for a 21st Century Policing Initiative to help communities build on their efforts under the successful COPS program. The initiative includes:
 - **\$600 million to hire and redeploy between 30,000 and 50,000 more law enforcement officers** over five years, with an effort to target new officers to crime "hot spots." Funds will be used to help economically-distressed communities absorb the long-term costs of their new hires, and for programs to train, educate, and recruit law enforcement officers.
 - **\$350 million for crime-fighting technologies** to establish an innovative Crime-Fighting Technology program to promote telecommunications and systems compatibility among criminal justice agencies, improve forensic sciences capabilities of state and local labs, and encourage the use of technologies to predict and prevent crime.

- **\$200 million for community prosecutors and neighborhood D.A.s** to help communities throughout the country hire more community-based prosecutors and develop community-based prosecution programs.
- **\$125 million for community-wide crime prevention** which will help the entire community engage in crime prevention measures, such as, adopting community-wide plans to prevent school violence.
- **Preventing Youth and Gun Violence** -- \$56.2 million to prevent and reduce youth gun violence; evaluate ongoing strategies for violent, and chronic juvenile offenders; develop alternative methods of punishing young offenders; and set up a comprehensive community-level enforcement effort targeting alcohol and crime.
- **Reducing Firearms Violence** -- \$5 million and 58 positions (41 attorneys) to ensure the effective investigation and prosecution of firearms offenders, violent felons who possess guns, and armed drug traffickers. In addition, comprehensive strategic plans will be developed to prosecute, prevent and disrupt gun violence through the cooperative efforts of law enforcement, local government and community based groups.

COMBATING CYBER-TERRORISM

“Today’s funding request will enable us to do everything possible to protect our citizens and the nation’s infrastructure from the threat of cyber-criminals and terrorists,” Reno said.

Highlights include:

- **Adding 60 FBI Agents** to create up to 12 cybersquads to identify, investigate, and prevent threats and unlawful acts targeting the critical infrastructure of the U.S., including illegal intrusions into government computer networks, protected civilian computers, and the national information infrastructure.
- **Funding the Attorney General’s Counterterrorism Fund** – \$27 million to reimburse federal departments and agencies for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, and other related activities.
- **Adding 55 Assistant U.S. Attorneys** to develop a global response to cyber-attacks and to help prosecute the increased number of cases involving computer and high-tech crimes.

- **Funding an Additional 9 Criminal Division Attorneys** to help resolve unique issues raised by emerging computer and telecommunications technologies, litigate cases, provide litigation support to other prosecutors, train federal law enforcement personnel and coordinate international efforts to combat computer crime.
- **Expanding Domestic Preparedness Support** – \$38.5 million to expand the Office of Justice Program's domestic preparedness efforts.

SUPPORTING DETENTION AND INCARCERATION EFFORTS

“Successful prosecutions and tougher sentences has contributed to a rapid increase in federal jail and prison inmate populations,” said Reno. “Our budget request will provide the necessary resources to build new prisons and expand existing facilities so criminals don’t have an opportunity to victimize our communities.”

Highlights include:

- **Constructing New Prisons** – \$411 million to build three new prisons (two of which will add capacity for D.C. felons), plan for six additional prisons (three of which will help to house long-term, non-returnable INS detainees), and to construct inmate work program space.
- **Activating Prison Facilities** – \$86.8 million to activate five facilities providing more than 4,300 additional beds in FY 2000.
- **Housing Detainees** -- \$119.6 million in increased funding to house the growing detainee population resulting from increased law enforcement activities of the FBI, DEA and INS along the Southwest Border.
- **Adding detention beds** – \$46.7 million for an additional 4,000 detention beds to accommodate the increasing number of short and long term non-U.S. citizen inmates and detainees.

CURBING DRUG TRAFFICKING AND ABUSE

“Curbing Illegal drug trafficking and drug abuse are elements we must address if we want to continue to bring our crime rates down. Today’s request of nearly \$8 billion, an increase of

\$133.3 million over last year's budget, will provide the necessary funding to help us do so,"

Reno said.

Highlights include:

- **Encouraging Abstinence for Drug Offenders** – \$215 million for an initiative which will use the power of the criminal justice system to require rigorous drug testing, sanctions, and treatment for all drug offenders.
- **Intercepting Drugs** – \$9 million for the Special Operations Division of DEA to manage and coordinate multi-jurisdictional investigations aimed at weakening and dismantling key drug trafficking organizations around the world.
- **Expanding the Arrestee Drug Abuse Monitoring System** -- \$4.8 million to expand the only federally-funded drug use prevalence program which directly addresses the relationship between drug use and criminal behavior.

ENFORCING CIVIL RIGHTS LAWS

"The rigorous enforcement of our nation's civil rights laws remains one of our top priorities. We are seeking more than \$18 million in new funding for the Civil Rights Division, the largest increase in nine years," said Reno.

Highlights include:

- **Adding 40 Attorneys** to expand the investigation and prosecution of criminal civil rights cases, increase fair housing and fair lending enforcement efforts, and address violations of the Americans with Disabilities Act.
- **Funding the Community Relations Service** -- \$2.13 million in increased funding to support additional conflict resolution teams, which would be dispatched to local communities to resolve racial or ethnic tensions.
- **Protecting Reproductive Health Care Providers** -- \$4.5 million to provide security assessments, and where necessary, security improvements to reproductive health clinics at high risk of violence.

PREVENTING ILLEGAL IMMIGRATION AND PROMOTING LEGAL ENTRY

“Since 1993, we have implemented an aggressive border control strategy--doubling our Border Patrol strength, significantly increasing the number of inspectors, adding new technologies, strengthening worksite enforcement, cracking down on asylum abuse, and processing more legal immigrants,” Reno noted. “The 2000 budget request will allow us to construct new Border facilities and implement new measures to promote legal entry into the country.”

Highlights include:

- **Supporting the INS National Border Control Strategy** -- \$76 million to purchase so-called force-multiplying surveillance technology, as well as to add new border inspectors in Texas.
- **Enhancing the INS Interior Enforcement Strategy** -- \$20 million in increased funding to transport and remove aliens in INS custody and to increase detention space.
- **Funding New Facilities** -- \$70.6 million to plan and construct a new Border Patrol Station and Sector Headquarters space, as well as new detention facilities.

ENHANCING OTHER JUSTICE DEPARTMENT INITIATIVES

- **Medicare/Medicaid Fraud Litigation** – \$5 million for audit work and automated litigation support in the Columbia/HCA matters, where fraud has been alleged in virtually every aspect of the largest health care conglomerate in the U.S.
- **Tobacco Litigation** – \$20 million and 50 positions, including 40 attorneys, to recover expenses of federal health care programs for tobacco-related diseases and to cover anticipated costs of expert trial witnesses.
- **Defensive Civil Litigation** – \$5 million and 76 positions (25 Assistant U.S. Attorneys) to handle an expanding civil defensive workload in four areas, including tort litigation; employment discrimination litigation; Social Security Disability litigation, and prisoner litigation.

- **Child Support Enforcement** – \$5 million and 95 paralegal positions to implement the provisions of the Child Support Recovery Act of 1996, and the Deadbeat Parents Punishment Act of 1998.
- **Justice in Indian Country** – \$124.2 million requested to fund public safety programs on Indian land, including 26 attorneys to investigate and prosecute crimes in Indian Country.
- **Information Resources Management** – \$93.24 million to improve the information sharing abilities of the Department and upgrade much needed legal and management tools.

“I am proud of all we have accomplished at the Justice Department since 1993. Today’s request will provide the necessary funding so we can continue to build on our results and meet the law enforcement challenges of the next century,” Reno added.

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FY 2000 BUDGET REQUEST HIGHLIGHTS

The Department of Justice's FY 2000 budget will provide a \$317 million increase over the 1999 level. The total \$21.09 billion budget includes \$4.15 billion from the Violent Crime Reduction Trust Fund, and \$2.55 billion funded through a variety of fees.

The budget highlights include:

- \$1.28 billion for a 21st century policing initiative, helping communities reduce crime by employing new technology and personnel.
- \$122.55 million in increased funding to combat cybercrime and support the Department's counterterrorism efforts.
- \$738.24 million in increased funding to detain and incarcerate federal prisoners, and to hire law enforcement personnel.
- \$148.1 million in increases to fight drug abuse and curb drug trafficking.
- \$61.2 million in increased funding to provide state and local assistance for the reduction of youth violence, the prevention of juvenile recidivism, and to prosecute violations of federal firearm laws.
- \$22.61 million in increases for civil rights initiatives, including new grants for health care provider protection.
- \$152.35 million in new resources to guard against illegal immigration and promote legal entry to the United States.
- \$124.21 million to fund public safety initiatives on Indian lands.
- \$93.13 million to improve the Department's information resources management.
- \$35 million in increased funding for the Department's litigation efforts, including \$20 million in new resources to recover the expenses of federal health care programs for tobacco-related diseases.

CONTINUING THE FIGHT AGAINST CRIME AND YOUTH VIOLENCE

Crime has declined steadily for six consecutive years -- violent crime rates have fallen more than 21 percent since 1993 -- the violent crime arrest rate for juveniles has dropped 23 percent from 1994 to 1997. The Department's FY 2000 budget request will provide funds to help communities across the nation continue fighting, reducing and preventing all aspects of violent crime and youth violence.

21st Century Policing Initiative

The Department's FY 2000 budget requests \$1.28 billion for a 21st Century Policing Initiative, a proposal that evolved from the COPS program. The initiative is designed to help communities maintain and reduce crime through a series of proposals aimed at assisting state and local law enforcement agencies. The initiative relies on more law enforcement officers on the street who are well educated, trained, and equipped. The criminal justice community needs the newest technology available to be able to keep pace with sophisticated criminals.

Law enforcement today must have a solid technological infrastructure. This means possessing adequate computer hardware to utilize software such as geographic information systems for crime mapping, and having adequate resources to reduce the backlog of DNA samples. It means providing interoperable wireless communication systems and global information networks. It also means developing sophisticated technology such as the ALERT car, and improving the overall forensic science capabilities of state and local labs. The federal government cannot and should not fund all these requirements. But it can provide seed money for pilot projects, demonstration programs, one-time technological upgrades and laboratory equipment. A systematic approach requires addressing the needs of prosecutors as well as law enforcement. And it means focusing efforts of community crime prevention.

- **\$600 million** to hire more law enforcement officers and to provide training, education and equipment. The resources will be used to fund between 30,000 and 50,000 more law enforcement officers over the next five years, with a focus on crime "hot spots." Of this amount, \$25 million will be used to continue the discretionary grant program begun in 1999 that provides bulletproof vests to state, local and tribal governments for use by law enforcement officers. This funding also includes \$30 million to continue the Police Corps Program and \$20 million for the National Police Officer Scholarship Program, which will provide educational assistance to law enforcement officers. Another \$20 million will fund programs to combat

violence in schools and \$50 million will help economically distressed communities retain officers.

- **\$350 million** to help state and local law enforcement agencies tap into new technologies that will allow them to fight crime more effectively. This Crime-Fighting Technologies Program will promote telecommunications and systems compatibility among criminal justice agencies, foster improvement of the forensic sciences capabilities of state and local labs, and encourage the use of technologies to predict and prevent crime. The program has three elements:
 - First, \$100 million will fund a Crime Analysis Program. This program will provide money for research, technical assistance, evaluation, and grants to use and improve crime-solving, data sharing, and crime forecasting technologies. The funds will also be used to promote crime mapping nationwide and to promote sophisticated crime analysis models. This program will help police combine real-time information about crime on the streets with the resources to find criminals and prevent future crime in a highly targeted way.
 - Second, \$125 million will improve public safety communications. This funding will be spread among several initiatives:
 - \$80 million for the Public Safety Wireless Telecommunications Assistance Program. The goal of this program is to ensure that state and local public safety wireless communications systems are compatible with federal law enforcement radio systems. Currently, every federal, state, and local law enforcement agency operates separate tactical radio networks in every metropolitan area in the country. This program will provide grants to states to help them develop comprehensive telecommunications system plans and fund demonstration grants. The program will assist jurisdictions in implementing public safety communication systems, and offer technical assistance to help jurisdictions in the planning and development process. Demonstration grants will be administered by the Commerce Department's National Telecommunications Information Administration.
 - \$20 million for the Global Criminal Justice Information Network Initiative. This initiative seeks to develop a nationwide network

of criminal justice information systems where state and local authorities will have immediate access to information needed to help them on the job. With this funding, the Office of Justice Programs can expand the assistance it is already providing to state and local governments by funding a limited number of planning grants. The grants will be used by states, which would work with their local governments to develop strategies for integrating their existing criminal justice information systems. Pilot projects will also be conducted. Funding will also be provided to develop standards, guidelines, and protocols for information sharing, and analysis tools to facilitate interoperability.

- \$10 million for continued base funding for the NIJ Technology Centers. These centers help law enforcement and corrections practitioners identify appropriate technology solutions for specific problems. For example, NIJ helped Utica, New York improve its case closure rate for arson from 2 percent to 52 percent, with a 100 percent conviction rate, by providing them with tools such as a digital camera system to record suspects' faces at vulnerable buildings.
- \$15 million for other police communications improvements, including further development of the ALERT car. The ALERT car allows officers to enter data electronically at the scene of a crime, accident, or traffic stop, and receive responses without returning to their vehicles. Officers may use hand held units linking electronically the information from the car to the unit. The ALERT system also allows officers to transmit accurate voices and images while at the scene. The open architecture of the system will allow industry to quickly develop and integrate new technologies in the ALERT car.
- Third, \$125 million will provide for Crime-Solving Technologies, which will promote the use of high-end technology, such as DNA analysis, to investigate and prevent crime. This program has four elements:
 - \$15 million to eliminate the 1 million convicted offender DNA sample backlog at state and local crime labs. Currently, analysts find one "hit" or match per 1,000 samples entered into the FBI's national database (CODIS).

At this rate, eliminating the 1 million case backlog could result in 1 thousand hits or more.

- \$5 million for continued base funding for NIJ's DNA Research and Development Program. The goal of this multi-year program, started in 1999, is to reduce the time and cost of performing DNA analysis.
- \$55 million to establish the Crime Lab Improvement Program (CLIP). This new program will be an expanded version of the DNA Identification Grant Program. CLIP seeks to improve the general forensic sciences capabilities of labs, by awarding grants to state and local governments to improve their investigative and analytic capabilities. Funding will also be used to provide research, technical assistance, and training to help inform agencies about lab capabilities that are available nationwide and to provide guidance on the types of equipment to purchase.
- \$50 million to upgrade criminal history, criminal justice, and identification record systems; promote compatibility and participation in federal, state, and local systems; and capture information for statistical and research programs, as authorized by the Crime Identification Technology Act of 1998. This expands the scope of the Criminal Records Upgrade Program to include the purposes authorized under this Act.
- **\$200 million** for a Community Prosecutors Grant Program. This includes \$150 million in grants to hire, redeploy, and train prosecutors to interact directly with the community (i.e, neighborhood DAs) and \$50 million for innovative community-based programs.
- **\$125 million** for a Community Crime Prevention Program, which will provide grants that will engage the entire community in preventing and fighting crime. Examples of how these funds could be used include: involving faith-based organizations in juvenile crime prevention, recruiting seniors to help police, establishing citizens' police academies and teaching neighborhood residents problem solving skills, promoting police partnerships with juvenile justice and child welfare organizations, partnering with local environmental

groups to crackdown on gang-run illegal dumping in the inner city, and establishing business-led police foundations that promote professional policing.

- **\$6 million** for the Prisons at Work Demonstration Program. This program will develop national models and strategies to assist state prison systems that are trying to increase inmate employment and transition offenders to full-time employment upon release.

Preventing Youth Violence

The Department's FY 2000 budget proposal includes \$56.2 million to reduce juveniles' illegal access to guns, conduct a full evaluation of a program aimed at providing early intervention and offer a comprehensive approach for reducing juvenile crime. The funds will also be used to develop a program designed to prevent underage drinking, drinking and driving, and alcohol-related crimes.

Office of Justice Programs

- **\$10 million** earmarked within the Title V, At Risk Children's Program, for the Prevention and Reduction of Youth Gun Violence. This program, currently being implemented and evaluated in 4 cities, seeks to reduce juveniles' illegal access to guns and address the reasons they carry and use guns in violent exchanges. Communities participating in the program are required to implement 7 program strategies which together represent a comprehensive approach to addressing the prevention, intervention and suppression of youth gun violence. This increase will enable the Department to provide approximately \$300,000 in grants to 20-25 new communities to implement this program, \$1 million to provide technical assistance and training to assist the sites, and \$1.5 million to help evaluate this effort.
- **\$4 million** to allow the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct an evaluation of its Comprehensive Strategy for Serious, Violent, and Chronic Offenders. This strategy calls for early intervention for juveniles engaged in high risk behaviors and a range of graduated sanctions to respond to the needs of each offender while protecting the community. It is currently being implemented in 5 states, with an additional 3 states identified to begin implementation. This increase will allow OJJDP to evaluate the success of the comprehensive strategy by tracking the number of sites that have completed integration of the strategy into their

performance review process. Data will be collected regarding the juveniles served to determine both how the strategy affected risk and protective factors, and whether these changes resulted in a decrease in recidivism or initiation of delinquent behavior.

- **\$35 million** in grants for states and units of local government to develop alternative methods of punishment for young offenders instead of traditional forms of incarceration and probation. These methods would include alternative sanctions, restitution programs, education and job training programs, and correctional options such as electronic monitoring and community-based and weekend incarceration.
- **\$7.2 million** to fund a national demonstration initiative on alcohol and crime. Of this amount, \$4 million will be used to award grants to 13 communities to develop comprehensive community-level enforcement and prevention programs aimed at combating underage drinking, drinking and driving, and alcohol-related crimes so that the link between alcohol abuse and crime can be broken. The remaining money will be used to conduct additional research and develop statistics on the relationship between alcohol and crime and to disseminate effective practices dealing with alcohol abuse.

Firearms Prosecutions

United States Attorneys

- **\$5 million** and 58 positions (41 attorneys) to conduct intensive firearms prosecution projects. To reduce the threat of firearms violence, this initiative is committed to insuring effective investigation and prosecution of firearms offenders, violent felons who possess guns, and armed drug traffickers; and to disrupting illegal firearms markets through collaborative federal, state and local partnerships. Building on the success achieved in reducing violent crime in Boston, Mass., and Richmond Va., comprehensive strategic plans will be developed for the prosecution, prevention and disruption of gun violence through the cooperative efforts of law enforcement, local government and community based groups.

CYBERCRIME AND COUNTERTERRORISM

The United States relies heavily upon its interconnected telecommunications and automated information systems for basic services, such as energy, banking/finance, transportation, and defense. The Department's FY 2000 budget includes a \$122.54 million increase to expand efforts to protect the Nation's critical information infrastructure from cyber-attacks and to fight domestic and international terrorism.

Federal Bureau of Investigation (FBI)

National Infrastructure Protection Center (NIPC)

- **\$1.65 million** to support the NIPC mission, by designing and implementing a training regimen. This funding will provide for 5 regional conferences, 6 Joint Intelligence Community working groups, 50 state and local training conferences, and continuing education for cyber investigators. The mission of the NIPC is to identify, investigate, and prevent threats and unlawful acts targeting the critical infrastructures of the United States. These acts include illegal intrusions into government computer networks, protected civilian computers, and the national information infrastructure. Under a Presidential Decision Directive, all Executive Departments and agencies are instructed to share information about threats, warnings of attacks, and actual attacks on critical government and private sector infrastructures with NIPC.
- **\$11.39 million** and 108 positions (60 agents) to create up to 12 field National Infrastructure Protection and Computer Intrusion (NIPCI) squads and provide equipment for 26 other field offices. NIPCI squads, the field entity of NIPC, investigate computer intrusions and computer crimes, provide investigative support to criminal and national security investigations, and provide infrastructure security threat assessments.

Computer Analysis and Response Teams (CART)

- **\$9.86 million** and 79 positions for 17 headquarters examiners, 62 field examiners, forensic equipment, supplies, and new technology to keep pace with workload increases and the complexities of computer-related crimes. The widespread use of computers and the rapid advancement in computer systems technology have combined to increase dramatically the volume and complexity of computer evidence in high technology criminal investigations.

Counter-Encryption

- **\$9.63 million** and 13 positions to develop technological capabilities to obtain access to plaintext in investigations where encryption is encountered.

Network Data Interception

- **\$4.2 million** and 7 positions to support court-authorized electronic surveillance in cyber-intrusion cases involving computer networks.

Construction

- **\$9 million** to modernize the Hazardous Devices School (HDS) at Redstone Arsenal, Alabama. The HDS is the only formal domestic training program for state and local law enforcement to learn safe and effective bomb disposal procedures. The funds will help the school to make modifications to accommodate additional classes and ensure students receive realistic, high threat bomb disposal training.

Criminal Division

- **\$1.76 million** and 13 positions (9 attorneys) to enable the Criminal Division to keep pace with the changing legal and technological environment. Computer crime continues to increase as more people develop proficiency in manipulating electronic data and navigating computer networks, and as worldwide access to the Internet continues to skyrocket. The Division's attorneys are actively working with other government officials (e.g., the FBI, Department of Defense, NASA), the private sector (including hardware and software vendors and telecommunications companies), academic institutions, and foreign representatives to develop a global response to cyberattacks. These attorneys, who are responsible for resolving unique issues raised by emerging computer and telecommunications technologies, litigate cases, provide litigation support to other prosecutors, train federal law enforcement personnel and coordinate international efforts to combat computer crime.

United States Attorneys (USAs)

- **\$7.3 million** and 87 positions (55 attorneys) in support of computer and high technology crime. The USAs need additional resources to handle cases of

national interest which are due, in part, to the rapid growth of terrorism, computer and other high tech crimes. Increasingly, attorneys are confronted with cases involving sophisticated computer use by terrorists and other criminals. More prosecutors with an understanding of computer technology are required.

General Administration

- **\$27 million** for the Attorney General's Counterterrorism Fund, established in response to the Oklahoma City bombing. The funds will be used to reimburse departments and agencies for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism; to pay out rewards; to restore the operational capacities of offices destroyed or damaged by domestic or international terrorist acts; to ensure that essential government functions continue during a time of emergency; to protect the Nation's critical infrastructure; to pay for costs associated with the proposed National Domestic Preparedness Office; and to help design the Federal Intrusion Detection Network.
- \$2 million of the Attorney General's Counterterrorism Fund will be used for the Federal Intrusion Detection Network (FIDNET). The FIDNET will provide all federal agencies with intrusion detection systems, as well as a centralized capability to analyze unauthorized entries. The Counterterrorism Fund will also be used to support the initial design of the system, which must be consistent with privacy statutes (e.g., the Electronic Communications Privacy Act of 1986 and the Privacy Act of 1974) and the statutory responsibilities to ensure computer security (the Computer Security Act of 1987 and the Information Technology Management Reform Act of 1996). As part of the design effort, DOJ will conduct a comprehensive legal analysis of the proposed system.
- **\$357 thousand** and 5 positions for the Office of Intelligence and Policy Review to hire 2 attorneys and 3 paralegals to handle Foreign Intelligence Surveillance Act (FISA) applications and counterterrorism work.

State and Local Domestic Preparedness Support

- **\$38.5 million** and 7 positions to expand OJP's domestic preparedness efforts. The President's budget proposes transferring to OJP the \$135 million appropriated in the Counterterrorism Fund in 1999 for state and local

domestic preparedness assistance. In addition, it proposes redirecting \$31.5 million of these resources, which, when combined with the requested increase of \$38.5 million, will help fund the following 5 enhancements:

- \$45 million for the Bomb Technician Equipment Program, which will provide state and local bomb technician squads with the specialized equipment necessary to detect and react to a chemical or biological weapon. This program is administered through the FBI.
- \$6 million to expand the First Responder Equipment Acquisition Grant Program, which provides grants to help jurisdictions procure equipment to protect first responders, detect biological and chemical agents, collect the agents and decontaminate the environment. This equipment is essential to building our capability to effectively respond to weapons of mass destruction.
- \$9 million for the operations of the Center for Domestic Preparedness at Fort McClellan, Alabama. The Center houses the Chemical Defense Training Facility, which is the only "live-agent" training facility in the United States. It provides first responders with hands-on training necessary to effectively plan for and respond to incidents of domestic terrorism involving chemical or biological agents and nuclear and explosive devices. With these funds, the training operations will be able to remain at Fort McClellan despite the increased costs OJP will face after the army base formally closes in September.
- \$7 million for a new Law Enforcement First Responder Training Program, consisting of a 2-day basic awareness course which will provide "train-the-trainer" and "on-site training" approaches to law enforcement officers. This will allow them to fulfill their role as first responders to a weapons of mass destruction terrorist incident.
- \$3 million to expand OJP's targeted technical assistance program, designed to provide reactive, individualized technical assistance to state and local jurisdictions participating in OJP's domestic preparedness programs.

State and Local Cybercrime Training

- **\$1.9 million** in new resources for a total of \$3.9 million of availability for the National White Collar Crime Center (NWCCC) to train state and local law

enforcement and regulatory agencies about computer crime. The funds will support the NWCCC's role as the primary state and local liaison and training arm of the National CyberCrime Training Partnership. The NWCCC will also act as a clearinghouse, providing information on all federal computer crime training available to state and locals, as well as a "yellow pages" of resources available in forensic computer science, as well as computer and network investigations.

DETENTION AND INCARCERATION

The number of federal detainees has increased annually by an average of 13 percent during the past decade, and by even more the past few years. The federal prison population has increased by 142 percent during the past decade. The Department's FY 2000 budget provides \$738.24 million in new initiatives for detention and incarceration programs.

U.S. Marshals Service

- **\$119.6 million** in added resources to fund costs associated with approximately 8.87 million contract jail days, 2.1 million above the anticipated 2000 base level. The detainee population, especially along the Southwest Border, has grown considerably over the last few years due to significant increases in law enforcement personnel at the FBI, Drug Enforcement Administration (DEA), and Immigration and Naturalization Service (INS) Border Patrol.

Federal Bureau of Prisons (BOP)

- **\$411 million** and 32 positions for new prison construction. This request consists of funding for the full construction costs of 3 prisons (2 of which will add capacity for District of Columbia felons), site and planning funding for 6 prisons (including 3 that will add capacity for BOP to house long-term, non-returnable INS detainees), and construction of inmate work program space.
- **\$86.81 million** and 1,295 positions to activate 5 facilities (4,320 beds), scheduled to be opened in 2000: 1 minimum security camp; 1 medium security facility with a camp; and 3 Metropolitan Detention Centers (MDC's). Activation of the medium security prison with a camp in Victorville, California, will add 1,408 beds, while the minimum security camp in Forrest

City, Arkansas will add 256 beds. These activations are needed to address the 25 percent overcrowding rate systemwide. Activation of the 3 MDC's in Houston, Brooklyn, and Philadelphia will add much needed detention bed space (2,656 beds) in the Northeast and South Central regions.

- **\$46.72 million** and 18 positions for an additional 4,000 contract prison beds to accommodate the increasing number of short and long term non-U.S. citizen inmates and detainees, including 1,000 beds to enable BOP to contract for the detention of 1,000 long-term, non-returnable INS detainees.
- **\$34 million** and 8 positions to meet the conditions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which specifies that at least 2,000 District of Columbia sentenced felons shall be housed in contract facilities by December 31, 1999.
- **\$27 million** and 18 positions to modernize and repair the many aging and overcrowded facilities that are in need of upgrades.
- **\$2.09 million** and 31 positions for residential and community based transitional drug treatment programs. This expansion will increase the drug abuse treatment program capability by 2,000 inmates a year.

Office of Justice Programs

- **\$10 million** for a total of \$35 million for the Cooperative Agreement Program (CAP) to enable the USMS and INS to obtain detention space in cities where the detainee populations are large and detention facilities are limited. CAP provides capital investment funding to selected state and local governments in return for long-term, guaranteed bed space for federal detainees or illegal aliens.

United States Parole Commission

- **\$1.02 million** and 12 positions for the Parole Commission to continue making parole decisions for District of Columbia Code prisoners, and to assume its new responsibilities for parole revocation hearings for District of Columbia Code parolees on August 5, 2000.

CURBING DRUG TRAFFICKING AND ABUSE

Drug use and its damaging consequences cost our society more than \$110 billion annually. Drug abuse is a contributing factor to spousal and child abuse, property and violent crime, the spread of AIDS, workplace and motor vehicle accidents, and absenteeism in the workforce. Illicit drug trafficking thrives on a culture of crime, violence and corruption throughout the world.

To control the flow of illegal drugs and cut down on the demand, the Department is dedicating \$7.9 billion in FY 2000, an increase of 2.5 percent over FY 1999, including growth in both direct federal, state and local assistance. Of this amount, DEA's law enforcement resources will grow to \$1.469 billion in FY 2000, including \$23.073 million in program enhancements.

Zero Tolerance Drug Supervision Initiative

Office of Justice Programs

A \$112.1 million increase to fund a \$215 million initiative in 2000 to promote drug testing and treatment. The funds will support the following three programs:

- **\$10 million** in additional funding (for a total of \$50 million) for the Drug Courts Program, which targets nonviolent offenders. This discretionary grant program allows for fund to plan, establish, or enhance state and local drug courts that provide specialized treatment, rehabilitation, and supervision of certain nonviolent substance-abusing offenders.
- **\$100 million** to establish a Drug Testing and Treatment Program that would provide discretionary grants to states, local government, state and local courts, and Indian tribes. The grants will support programs to implement comprehensive drug testing policies and to establish appropriate interventions to illegal drug use for criminal justice populations. Systematic drug testing is an important tool for criminal justice agencies concerned with controlling drug abuse among offender populations. When compared to substance abusers who voluntarily enter treatment, those coerced into treatment through the criminal justice system are just as likely to succeed.
- **\$2.1 million** to provide a total of \$65.1 million for the Residential Substance Abuse Treatment Program. This program provides formula grants to states

for use by state and local governments to develop and implement residential substance abuse treatment programs. The programs are conducted within state and local correctional facilities where inmates are incarcerated for sufficient time.

Reducing Juvenile Drug Abuse

Office of Justice Programs

- **\$20 million** within the Juvenile Justice Program for the Drug Prevention Demonstration Program. The Drug Prevention Demonstration Program is designed to develop, demonstrate and test programs to stress to young people that drug use is risky, harmful and unattractive. In 2000, the program will fund up to 280 new sites, reaching approximately 1,000 middle/junior high school students per site. The program will also provide training and technical assistance to the 140 currently funded sites, and evaluate the programs at the sites.

Monitoring Drug Abuse

Office of Justice Programs

- **\$4.8 million** to expand the Arrestee Drug Abuse Monitoring System (ADAM) from 35 sites to 50 sites -- the only federally-funded drug use prevalence program which directly addresses the relationship between drug use and criminal behavior. Increasing the number of program sites will expand the ability to directly inquire into drug problems in particular cities, and allow the program to more accurately estimate drug use at the national level. In addition, the Department will initiate an outreach effort to learn more about the relationship between drugs and crime in understudied areas such as rural, suburban and Native American lands in the 35 existing sites.

Drug Law Enforcement

Drug Enforcement Administration (DEA)

- **\$9 million** and 27 positions for the Special Operations Division (SOD) to establish a Telecommunications Section and to provide additional support staff to meet growing security and administrative demands of its electronic intercept program. This includes \$7.72 million in special funds to meet the immediate needs of the SOD enforcement investigative operations. The main

function of SOD is to manage and coordinate multi-jurisdictional investigations between DEA offices and among other federal agencies (i.e., FBI, U.S. Customs Service and the Department's Criminal Division).

- **\$1.07 million** and 25 positions for the Diversion Control Fee Account to improve the quality of service to the registrants and to improve overall management, including: \$648,000 and 17 positions for the registration process to improve customer service to DEA's registrants; \$231,000 and 5 positions to improve the timeliness in conducting drug reviews necessary for establishing appropriate regulatory controls (i.e., legal drug scheduling); and \$194,000 and 3 positions to conduct data analysis on legal drug trends, which is necessary for identifying investigative leads in illegal drug diversion activities.

Criminal Division

- **\$1.13 million** and 13 positions (9 attorneys) to enable the Criminal Division (CRM) to support DEA's SOD. Additional resources will enable CRM to provide direct support to SOD, increase efforts devoted to prosecuting the complex cases that result from SOD investigations, and support the processing of Title III wiretaps.

Organized Crime and Drug Enforcement Task Forces

In the FY 2000 President's budget, the Department proposes to eliminate the consolidated Interagency Crime and Drug Enforcement (ICDE) appropriation and transfer the resources from that account into the direct appropriations of the participating components. The mission and functions of the nine Organized Crime and Drug Enforcement Task Forces (OCDETF) presently supported by the consolidated appropriation will remain unchanged by this administrative action. The budget requests for the participating components reflect resource increases totaling the base amount that would have been requested for the ICDE appropriation in FY 2000, had it remained a consolidated appropriation. The OCDETF Executive Office will continue to provide central management and policy guidance for the program, including direct management of the State and Local Overtime Program.

CIVIL RIGHTS

The Department of Justice plays a major role in the Administration's efforts to protect the civil rights of all Americans. For the Civil Rights Division, the FY 2000 President's budget seeks \$82.2 million, an increase of 19 percent over the 1999 enacted level. This represents the largest increase for the Civil Rights Division in nine years.

The additional resources will enable the Civil Rights Division to continue to play a critical role in coordinating civil rights enforcement among all the federal civil rights agencies. The funding also will permit the Department to significantly expand its investigations and prosecution of criminal civil rights cases, increase its fair housing and fair lending enforcement efforts, and address violations of the Americans with Disabilities Act.

Civil Rights Division

Prosecuting Civil Rights Violations

During FY 2000, the Civil Rights Division seeks additional resources to devote increased attention to misconduct by law enforcement officials and criminal violations of the nation's civil right laws. Specific initiatives will include:

- **\$646 thousand** and 10 positions (6 attorneys) to prosecute hate crime violations.
- **\$401 thousand** and 6 positions (4 attorneys) to continue efforts to deter the victimization of migrant workers and other minorities -- a violation of the involuntary servitude and peonage statutes.
- **\$1.08 million** and 16 positions (10 attorneys) to combat police misconduct.

Fighting Housing and Lending Discrimination

The Department's FY 2000 budget includes \$1.87 million to improve the battle against housing and lending discrimination. This increase complements increased resources provided to the Department of Housing and Urban Development (HUD) that will likely result in additional cases being referred to the Department. Resources will be allocated as follows:

- **\$996 thousand** and 10 positions (3 attorneys) to expand the Department's in-house Fair Housing Testing Program. The program uses pairs of testers to root out discrimination based on race, color, sex, national origin, disability and familial status.
- **\$596 thousand** and 9 positions (5 attorneys) to enhance the Department's fight against discrimination in home mortgage lending and in business lending.
- **\$274 thousand** and 4 positions (3 attorneys) to bring additional cases resulting from increased activity by HUD.

Eliminating Discrimination Against Persons with Disabilities

The Department's FY 2000 budget includes \$1.9 million to enable the Civil Rights Division to continue and expand successful Americans with Disabilities Act (ADA) initiatives, including:

- **\$1.3 million** to support a mediation program that seeks to resolve complaints as an alternative to litigation.
- **\$117 thousand** and 2 positions to improve the Civil Rights Division's ability to provide technical assistance, including advice from architects, to assist small businesses and housing providers trying to comply with the law.
- **\$479 thousand** and 8 positions (2 attorneys) to certify that state and local building codes meet ADA requirements.

Preparing for Redistricting

The Voting Rights Act requires certain jurisdictions to submit redistricting changes to the Attorney General for review and clearance. After the 2000 Census is conducted, the Department will experience a surge of activity in this area. The FY 2000 budget includes the following enhancements to effectively manage this requirement:

- **\$547 thousand** and 12 positions to enable the Civil Rights Division to meet its statutory requirement of reviewing certain voting changes and redistricting proposals within 60 days.

- **\$933 thousand** for technology improvements required to upgrade the imaging system and conversion of microfiche documents.

Protecting Fundamental Opportunities

The Civil Rights Division requires additional resources to expand programs which seek to protect basic civil rights. These enhancements will provide resources necessary for improvements in the following areas:

- **\$401 thousand** and 6 positions (4 attorneys) to attack in-school segregation, insuring that desegregation has been achieved, promoting diversity, and insuring that non-English speaking students have access to an effective educational experience.
- **\$274 thousand** and 4 positions (2 attorneys) to address the concerns of those in nursing homes and other institutions, who may be housed in intolerable and dangerous conditions.
- **\$186 thousand** and 3 positions (1 attorney) to fight immigration fraud and inform the immigration communities of their rights under the law.

Community Relations Service

- **\$2.13 million** and 30 positions for the Community Relations Service (CRS). The funds will enable CRS to address racial violence, disorders and conflict in states and local communities across the country. The enhancement would fund 15 strategically located field offices staffed by conflict resolution experts who will be more readily able to respond to incidents across the country. Localized services will allow CRS to be consistently on-site and maintain the ongoing working relationships with local officials, law enforcement agencies and civic leaders especially during times of community unrest and disorder.

Office of Justice Programs

- **\$5 million** for grants to create Civil Rights Enforcement Partnerships with state attorneys general. The partnerships will help address specific enforcement issues within by hiring additional staff.

- **\$1.25 million** in the Byrne Discretionary Program to address hate crimes. This includes \$1 million to develop and provide training for state, local, and federal criminal practitioners, \$200 thousand to develop partnerships at various levels of government to respond to hate crimes and to disseminate successful program strategies, and \$50 thousand to partner with public and private organizations to develop public service announcements to combat hate crimes.
- **\$1 million** to add a hate crimes supplement to the National Crime Victimization Survey (NCVS) to better estimate the amount of bias-related crime.
- **\$500 thousand** for the development and monitoring of felony case processing information from a sample of jurisdictions. Study of this data will expand the capacity of the Department to estimate the impact of racial discrimination and the administration of justice.
- **\$4.5 million** in the Byrne Discretionary Grant Program to provide security assessments, and, where necessary, security improvements to reproductive health clinics at high risk of violence. This initiative builds on the Justice Department's National Task Force on Violence Against Health Care Providers, which has been coordinating the investigation of violence against women's health care clinics nationwide.

IMMIGRATION

Since 1993, the Justice Department has removed more illegal aliens than any other administration in history, increased Border Patrol agent strength by 99 percent nationwide, added new technologies and fences, strengthened worksite enforcement, made more than \$1 billion available to states to reimburse them for the cost of incarcerating criminal aliens, and plugged loopholes that permit aliens who are not in danger to use asylum laws to illegally enter and stay in the United States.

Landmark immigration legislation enacted in 1996 has challenged the Department to carry out mandated responsibilities with far-reaching impact. The Department's FY 2000 budget includes initiatives that seek to strengthen proven, existing programs and to implement new measures that will guard against illegal

immigration and promote legal entry to the United States. In response to this challenge, the Department has greatly enhanced border management in the Southwest, and has reengineered the naturalization process to accommodate millions of new applicants and improve naturalization processing programs.

In implementing an aggressive border control strategy, the INS has stemmed the tide of illegal immigration at traditional corridors of unlawful entry. The INS has more than doubled its Border Patrol agent workforce since 1993, and has introduced innovative deterrents and advanced technologies to halt illegal immigration at the borders of the United States. For 2000, the Department requests resources for "force-multiplying" technologies and to support Justice Prisoner and Alien Transportation System (JPATS) movements. Resources are also included to increase juvenile detention bed space, and for Border Patrol and detention construction. The Department's FY 2000 budget includes \$152.35 million for program enhancements, including fee accounts, for both INS and the Executive Office of Immigration Review, for the activities listed below.

Immigration and Naturalization Service

- **\$56 million** and 90 positions for the INS National Border Control Strategy. This initiative includes \$50 million for force-multiplying border enforcement technology called, the Integrated Surveillance Information System (ISIS). INS will deploy ISIS surveillance technology to about 200 sites in all 3 INS regions. Additionally, \$6 million will be used to add new border inspectors in Eagle Pass, Los Tomates, and Laredo, Texas.
- **\$20 million** and 185 positions for the INS Interior Enforcement Strategy. This initiative includes \$16.795 million to increase resources available for the transportation and removal of aliens in INS custody. Resources are also included to increase juvenile detention bed space and to facilitate data entry into the National Crime Information Center (NCIC) at the field level.
- **\$48.12 million** for the planning and construction of new projects directly supporting the Border Patrol program. These projects include critically needed Border Patrol Station and Sector Headquarters space to address already severely overcrowded conditions, as well as resources for illegal entry deterrents such as checkpoint systems, border fencing, and stadium lighting.

- **\$22.5 million** for the planning and construction of detention facilities. Included in this request are resources for the El Centro, California Service Processing Center (SPC); Florence, Arizona SPC; El Paso, Texas SPC; Krome, Florida SPC; and Port Isabel, Texas SPC.

Land Border Inspection Fee Initiative

- **\$3.21 million** and 20 positions to staff the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) lanes in El Paso, Texas and San Ysidro, California and to continue the development of the network to integrate SENTRI sites. The SENTRI pilot is intended to expedite the legal entry of low-risk border crossers in non-commercial passenger vehicles.

Executive Office for Immigration Review (EOIR)

- **\$2.52 million** and 33 positions (5 Immigration Judges) for coordination with INS enforcement initiatives that are estimated to increase Immigration Judge caseload by 5,000 cases and Board of Immigration Appeals (BIA) attorney caseload by 800 appeals in 2000. Critical to the success of the INS initiatives will be the ability of EOIR to process the resulting Immigration Judge and appellate caseload in a timely fashion.

LITIGATION

The Department's FY 2000 budget includes \$35 million in new initiatives to perform its role as the nation's top law enforcement agency. As responsibilities and caseloads continue to increase, the Department is seeking additional resources to investigate and prosecute unlawful activities, and protect the interests of the American people in court.

Civil Division

Medicare/Medicaid Fraud

- **\$5 million** for audit work and automated litigation support in the *Columbia/HCA* matters. Currently, the Civil Division is in the midst of

investigating *Columbia/HCA* -- which is the largest health care conglomerate in the United States. Fraud has been alleged in virtually every aspect of the conglomerate's dealings with federally-funded health care programs. The Civil Division needs additional resources to fully investigate the claims and to effectively prosecute responsible parties.

Tobacco Litigation

- **\$15 million** and 50 positions (40 attorneys) to recover the expenses of federal health care programs for tobacco-related illnesses. Like the states, the federal government has expended considerable resources to combat tobacco-related illnesses, and it has incurred significant expenses through Medicare, CHAMPUS, the Veteran's Administration, the Department of Defense, the Indian Health Service, and other federal programs. With the resources requested, the Civil Division will continue to pursue claims against responsible third parties to recover such expenses.
- **\$5 million** for the anticipated costs of expert witnesses in tobacco litigation.

United States Attorneys

Defensive Civil Litigation

- **\$5 million** and 76 positions (25 attorneys) to handle an expanding civil workload in four areas:
 - Tort Litigation: Work in the Torts area has increased in the past several years due primarily to passage of the Health Centers Assistance Act of 1992. The act provides that employees of health centers, hospitals, clinics and other health facilities supported by the Department of Health and Human Services are entitled to Federal Tort Claims Act protection as the exclusive remedy for torts resulting from the performance of their medical services.
 - Employment Discrimination (Title VII) Litigation: the USAs' workload in employment discrimination has been exacerbated by passage of relatively new legislation. For the first time, the 1991 Amendments to Title VII of the Civil Rights Act of 1964 allow plaintiffs to recover compensatory damages up to \$300,000, no longer limiting awards to past and prospective lost wages. For the first time ever, the Act also provides for jury trials and the award of attorneys' fees.

- **Social Security Disability Litigation:** additional resources are needed to address Social Security disability, and an increase in the number of cases due to passage of the Welfare Reform Act of 1996, which now disallows disability benefits based on alcoholism and drug addiction.
- **Prisoner Litigation:** additional resources are needed to address an increase in the number of cases filed by a growing federal prisoner population.

Child Support Enforcement

- **\$5 million** and 95 paralegal positions to implement the provisions of the Child Support Recovery Act of 1996 and the Deadbeat Parents Punishment Act of 1998.

INDIAN COUNTRY

Because the investigation and prosecution of felonies in Indian Country cannot be deferred to a county, state, or tribal jurisdiction, federal law enforcement must provide an effective avenue of justice for victims of violent crimes. The FY 2000 budget proposes \$124.21 million to fund public safety programs on Indian land. Highlights include:

United States Attorneys

- **\$3.21 million** and 36 positions (26 attorneys) to investigate and prosecute crimes in Indian Country where Federal law enforcement is the only avenue of protection for victims of such crimes.

Office of Justice Programs

- **\$10 million** for alcohol and substance abuse treatment in Indian Country (as part of the new Drug Testing and Treatment Program).
- **\$10 million** from the Title V Incentive Grants for Local Delinquency Prevention, for a total of \$20 million. These resources will be used to

improve coordination and cooperation of tribal governments, federal agencies, and other organizations serving Indian youth by developing, enhancing, and supporting operations of tribal juvenile justice systems, targeting alcoholism and substance abuse, and focusing on reducing the incidence of crimes against children.

- **\$5 million** to continue the Tribal Courts Program, which assists tribal government in the development, enhancement, and continuing operation of tribal judicial systems.
- **\$34 million** for the construction of detention facilities in Indian Country.
- **\$45 million** for the hiring, equipping, and training of Indian Country law enforcement officers through the 21st Century Policing Program.
- **\$5 million** from the Police Corps Program. This new initiative will increase the number of police in Indian country with advanced education and training, and provide educational assistance to students who are interested in public service in the form of law enforcement.
- **\$2 million** to conduct a national census of tribal criminal justice agencies and related statistical activities to improve the Nation's understanding of crime and the administration of justice among Native Americans. Currently, there is no coherent and uniform manner for defining criminal conduct or victimization, measuring its incidence and prevalence, examining the response to crime, assessing case processing, or systematically understanding how criminal matters are adjudicated and disposed of on Native American lands.

OTHER CRIME-RELATED INITIATIVES

The Department places a high priority on providing grants to state and local governments so they may develop justice-related programs and effective mechanisms to evaluate the programs. The FY 2000 budget contains \$12.5 million to help combat drug use, develop "smart gun" technology, forensic technology and other initiatives.

Office of Justice Programs

National Institute of Justice

- **\$4 million** to develop "smart gun" technology, designed to disable a weapon that is not being held by its proper owner. Several different and promising techniques on the drawing board for smart gun development include: radio frequency, biometrics, voice recognition, and touch memory. The goal of this program is to expand the development, testing and replication of current technology and foster the development of additional "smart gun" technologies in order to save the lives of law enforcement personnel and law-abiding citizens.
- **\$2 million** for the development of baseline data and national guidelines for investigative and forensic sciences. This initiative will focus on the development of national guidelines for the identification, collection and preservation of both crime scene and eyewitness evidence. In addition, a national survey of forensic laboratories and their policies and procedures will be conducted to establish critical baseline data. This will be the first-ever national survey of forensic laboratories.
- **\$1.5 million** to implement an International Crime Research Program to provide support for Department components' international activities. Criminal justice information will also be shared with an international audience of practitioners and researchers. This program will help the Department assist justice agencies in emerging democracies, by sharing evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad.
- **\$5 million** earmarked within the Byrne Formula Grant Program to provide evaluations of individual Byrne Programs. These resources will improve the quality and scope of the evaluations of the Byrne Program that are performed by the NIJ by dedicating a specific amount of funding for this purpose. While these evaluations are statutorily required, no funding has been appropriated for this purpose, so limited funding has been available.

INFORMATION RESOURCES MANAGEMENT

The Department's FY 2000 budget includes an additional \$93.13 million for information resources management. This funding will improve the information sharing abilities of the Department and upgrade much needed legal and management tools. Highlights include:

- **\$38.8 million** to move forward with the FBI's Information Sharing Initiative (ISI) which supports the FBI's information technology and Information Collection and Analysis strategy that is critical to the success of FBI operations. To execute this plan requires a sophisticated intelligence capability that depends on information collection, processing, analysis and dissemination. The ISI system will allow agents to get timely, complete information relevant to their cases, and will provide them with the analytical tools to use this information effectively.
- **\$4.33 million** for systems development and to provide all FBI offices with access to commercial, on-line databases needed for law enforcement purposes. This program increase would also provide a fully operational system that integrates and links transactional data with free text information from investigative cases and other sources.
- **\$37 million** for Legal Activities Office Automation (LAOA) to upgrade critical legal and management tools. The funding will be used to finish installing a new computer system for the Department.
- **\$13 million** to accelerate Phase II of DEA's FIREBIRD automation project, so that the installation of advanced computer network and workstation equipment in all remaining DEA offices, including: District, Resident, and foreign field offices; El Paso Intelligence Center; Airwing; and forensic laboratories can be completed by the end of calendar year 2001. Completion of the Phase II deployment will ensure that all DEA offices are connected and "on-line," allowing the full benefits of the information technology investment to be realized, and to avoid costly legacy system maintenance costs.

OTHER INITIATIVES

In addition to the special initiatives, the Department's FY 2000 budget includes \$159.71 million for other enhancements. This includes funding to improve communication, add new personnel and purchase new equipment to enhance courtroom security.

Narrowband Communications

- **\$46 million** in additional funding to accelerate the conversion of the Department's wireless radio communications to narrowband operations.
- **\$10.62 million** and 6 FTE will be used to consolidate wireless communications management functions, including procurement, radio site development, and spectrum management, and to support the permanent establishment of the WMO.

U.S. Marshals Service

- **\$4.23 million** and 60 positions to provide personnel necessary to ensure that new courthouses and new courtrooms in existing facilities can open on schedule with adequate security. Additional courtrooms and cellblock areas create an additional staffing requirement for the USMS.
- **\$9 million** to ensure that new and renovated courthouses will have the necessary systems and equipment to ensure their safe and secure operation. Adequate security systems reduce the need for detention officers and contract guards, and provide the ability to monitor and record crisis situations.
- **\$9.59 million** and 131 positions are requested to handle the increased workload generated by staff increases in other federal law enforcement agencies and the U.S. Attorneys. Because it takes 18 months to 2 years to hire and train personnel, this request is based on actual 1998 personnel increases experienced by the other agencies.
- **\$4.1 million** and 9 positions to provide staff and resources for the USMS construction and renovation program. USMS space is located in federal courthouses nationwide, many of which are approaching 100 years old. These resources will be used to eliminate security deficiencies.

Federal Bureau of Investigation

- **\$5.8 million** and 56 positions to place an intelligence collection management officer in each field office to enhance the FBI's ability to collect information for use in individual investigations and programs. Emerging threats, such as terrorists' use of weapons of mass destruction, demand more resources than the FBI's current intelligence capability can deliver.
- **\$5.33 million** and 5 positions to collect DNA samples from federal convicted offenders and to analyze and enter the DNA profiles into the national Combined DNA Identification System (CODIS) database. The resources requested will allow the FBI to collect and type approximately 15,000 samples from the current federal inmate population, and approximately 5,000 samples from federal convicted offenders during 2000 and every year thereafter.
- **\$4.16 million** to consolidate the FBI Laboratory's LABNET, consisting of the National Integrated Ballistics Information Network (NIBIN) and the CODIS, with the Criminal Justice Information Services (CJIS) - Wide Area Network (WAN). The consolidation of LABNET with the CJIS - WAN will improve delivery of services, enhance systems access, and provide secure communications with state and local law enforcement partners.
- **\$5 million** to purchase critical instruments and equipment for the new laboratory. Due to the need for certain specialized equipment (e.g., mass spectrometers), resources are required in 2000 to provide adequate time to construct, test, validate, and calibrate the instruments in time for the laboratory activation. Over the last several years the FBI has undertaken a major initiative to relocate the Laboratory Division from its present space at the FBI Headquarters in Washington D.C., to a new facility at the FBI Academy in Quantico, Virginia. The new laboratory will ensure that the FBI maintains its role as a leader in the examination of forensic evidence, and continues to provide the scientific and technological advancements required to successfully solve crimes and assist state and local law enforcement investigations.

Antitrust Division

- **\$6.37 million** and 78 positions for civil antitrust matters. The resources will enable ATR to meet its statutory requirements related to reviewing and investigating the increasing number of mergers. Funds will also be used for

civil non-merger matters, which seek to reduce the level of unfair competition.

- **\$3.18 million** and 39 positions to bolster the Division's ability to enforce criminal antitrust laws.

Office of the Inspector General

- **\$415 thousand** and 6 positions (2 agents) for investigative counsel and criminal investigators to conduct special investigations and projects. Special investigations are large, complex, sensitive projects undertaken by the OIG, which require the interrogation of senior level witnesses, the collection and analysis of large volumes of evidence, and other specialized skills.
- **\$2.13 million** and 31 positions (25 agents) for increasing investigative responsibilities and workload of the Investigations Division. Staffing increases will allow for more productive investigative hours, faster responses to time sensitive allegations, reduced travel costs, and on-site presence for enhanced intelligence sharing and coordination with other law enforcement agencies. Resources will also be used to reduce the average closure rate for investigations to 180 days in response to Congressional concern regarding the timeliness of OIG investigations. In addition, \$131,000 will be used to replace damaged and defective technical equipment.
- **\$5 million** and 46 positions to provide resources to support OIG audits, inspections, and investigations of INS programs and activities, previously funded through a reimbursement agreement from the INS fee accounts. Direct appropriations will provide a more streamlined and efficient means of providing funding to the OIG, and will eliminate the need for future reimbursements between the OIG and INS for fee-related work. Furthermore, this will enable the OIG to apply resources to monitor the effectiveness and efficiency of all INS programs and activities, not just the fee accounts.

United States Trustees Program

- **\$4.9 million** to provide new capability for word processing, database management, communications, file-transfer, and security; and to as support the USTP's effort to deal with the ever-increasing number of bankruptcy filings.

Office of Dispute Resolution

- **\$362 thousand** to fully fund the operations of the Office of Dispute Resolution (ODR) in the General Legal Activities (GLA) appropriation. The ODR promotes the use of mediation and other forms of dispute resolution in appropriate civil cases involving the United States. It advises attorneys on dispute resolution strategies, identifies potential private providers of dispute resolution services, conducts training in negotiations and dispute resolution, and serves as the Department's representative in dealing with other agencies, Congress and the public. The Office also represents the Attorney General in monitoring and supervising the activities of the Interagency Working Group on ADR, a Presidentially established Task Force that promotes the use of dispute resolution throughout the Executive Branch.

General Administration

Public Safety Officer Benefits

- **\$3.5 million** for the Public Safety Officer Benefits' Disability Benefits Program. Carryover funding in 1999 is insufficient to support this program in both 1999 and 2000; OJP estimates that it will pay 6 claims pending from 1998, as well as an estimated 17 new claims in 1999. This program increase will provide sufficient funding to continue to support disability compensation for public safety officers, their families, and their agencies before, during and after tragedies occur.

Radiation Exposure Compensation Trust Fund

- **\$21.71 million** to provide payments to claims expected to be approved under the Administration's proposed amendments to the Radiation Exposure Compensation Act.

EXECUTIVE OFFICE OF THE PRESIDENT
Office of Management and Budget
TCJS Division
Justice/GSA Branch

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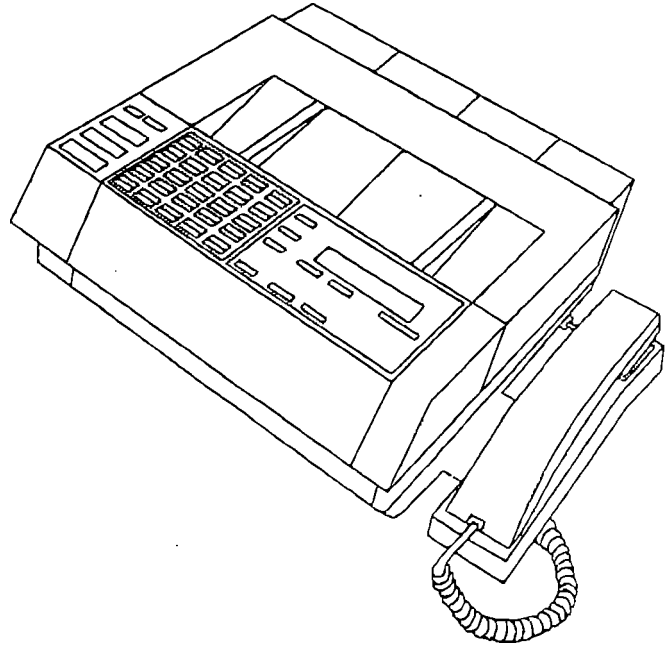
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STATEMENT OF
JANET RENO
ATTORNEY GENERAL OF THE UNITED STATES
BEFORE THE
THE UNITED STATES SENATE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE
THE JUDICIARY AND RELATED AGENCIES

March 9, 1999

Mr. Chairman and Members of the Subcommittee:

It is a pleasure once again to appear before you this morning to present the President's budget request for the Department of Justice. For Fiscal Year 2000, the President's budget includes \$21 billion for the Department of Justice -- a \$317 million increase over last year -- to continue fighting crime, combating cyber-terrorism, curbing drug abuse, and incarcerating felons.

Since I became Attorney General in 1993, funding for the Justice Department has increased more than 88 percent - due in large part to the efforts and commitment of this Subcommittee. During this same time, we have seen crime steadily fall. The nation's violent crime rate has dropped more than 20 percent over the last six years, and our murder rate has fallen to its lowest level in three decades. Our investment is paying off, but we

must not let up on our efforts now. I want this trend to continue and believe our FY 2000 budget request will do just that.

Fighting Crime Within Our Communities

One of our top challenges will be to help communities keep the crime rate down. But we will need a full arsenal of innovative strategies and programs -- from high tech solutions to community-based prevention programs -- to reduce crime even further. We know that there is no single solution to the crime problem. Our approach must be comprehensive and multi-faceted, combining and interconnecting enforcement, punishment, prevention, and community involvement at the local level.

The budget I present to you today seeks nearly \$1.3 billion for a 21st Century Policing Initiative to help communities build on their efforts under the successful COPS program. Specifically, we are requesting \$600 million to hire and redeploy between 30,000 and 50,000 more law enforcement officers over five years, with an effort to target new officers to crime "hot spots". Funds will also be used to help economically-distressed communities absorb the long-term costs of their new hires, and for programs to train, educate, and recruit law enforcement officers.

For high tech solutions, \$350 million is included to establish an innovative Crime-Fighting Technology program to promote telecommunications and systems compatibility among criminal justice agencies, improve the forensic science capabilities of state and local labs, and encourage the use of technologies to predict and prevent crime.

The initiative also provides \$200 million for a Community Prosecution Grant Program. This includes \$150 million in grants to help communities throughout the country hire, redeploy, and train badly needed prosecutors to help secure public safety in our nation's communities; and \$50 million for innovative community-based public safety programs. Under the community prosecution philosophy, prosecutors are stationed in, and work within, the neighborhoods they serve. These prosecutors will make a difference, just as community policing has made a difference in fighting crime by bringing communities together.

Time and time again, I am told by line officers in communities throughout this country that effective law enforcement relies heavily on community involvement with strong prevention efforts at its core. To assist neighborhoods and communities in their efforts to develop and implement comprehensive crime prevention and reduction strategies, another

\$125 million is included for a Community Crime Prevention Program. Building on existing programs, such as Weed and Seed, this new initiative will fill critical gaps in support for local public safety efforts that current Department funding -- both formula and discretionary -- cannot fill. The program will also support direct funding for crime and delinquency prevention programs that utilize promising approaches in preventing and reducing crime and delinquency, and in strengthening partnerships between community groups, schools and criminal justice and juvenile justice agencies in their efforts to fight crime and delinquency.

And, as you are well aware, an essential building block for community safety is peaceful relations. The budget before you includes an increase of \$2.13 million for the Community Relations Service (CRS) to improve the delivery of conciliation services to communities threatened with racial unrest and violence.

Keeping Guns Out of the Hands of Criminals

In helping communities keep the crime rate down, and reduce it even further to historic lows, we **MUST** address the issue of gun violence. Every day in this country, 93 people die from gun-related injuries.

While gun violence may not be a uniquely American problem, it is certainly one in which we stand out. To bring this issue into sharper focus, I want to share with you a statistic that I find truly stunning: In the five years from 1992 through 1996, Toronto, Canada experienced exactly 100 gun homicides. In contrast, Chicago, an American city of comparable size, had 3,063 gun homicides in that same time period. Clearly, reducing gun-related injuries and deaths should be a national priority and a central part of any strategy to reduce crime.

The Department's gun strategy involves three important components: prevention, interdiction and enforcement. To complement the additional state prosecutors requested in our FY 2000 budget, and the additional Alcohol, Tobacco, and Firearms (ATF) agents included in Treasury's FY 2000 request, we are seeking \$5 million to conduct intensive firearms prosecution projects under the leadership of U.S. Attorneys Offices. Building on the success achieved in reducing violent crime in Boston, Massachusetts and Richmond, Virginia, these funds will be used to hire and dispatch more than 40 federal attorneys to select cities across the country to prosecute criminals who possess guns. Once there, these prosecutors will team up with their local counterparts to develop comprehensive strategies for the prosecution, prevention, and disruption of gun violence in

their communities. They will work together to identify those crimes that would be better off being brought in federal court. Violent felons, armed drug traffickers, and firearms offenders will all get the message: Carry a gun and you'll do more jail time.

Another \$49 million is requested for three Office of Justice (OJP) grant initiatives geared toward addressing the problem of youths and guns. Within this amount is \$4 million for the National Institute of Justice to support a new Childproof Gun and Gun Detection Technology Program, whose goal is to expand development, testing, and replication of "smart gun" technologies. Once fully developed and tested, these new "smart gun" technologies will allow law enforcement officers' weapons to be more safely and reliably secured and will help prevent accidental deaths to children who have access to firearms.

Also included is \$10 million, earmarked within the Title V - At Risk Children's Program, for the Prevention and Reduction of Youth Gun Violence. This program, currently being implemented and evaluated in 4 cities, seeks to reduce juveniles' illegal access to guns and address the reasons they carry and use guns in violent exchanges. Communities participating in the program are required to implement 7 program strategies which together

represent a comprehensive approach to addressing the prevention, intervention, and suppression of youth gun violence. These new resources will enable the Department to expand this grant program in FY 2000 to 20-25 new communities.

Our third piece addressing the problem of youths and guns is a \$35 million request for the Juvenile Gun Courts Intervention Program - Certainty of Punishment. This initiative is designed to support the use of juvenile gun courts as the point of coordination for the implementation of a community-wide, comprehensive plan to address juvenile gun violence and accountability.

National Instant Check System (NICS):

What you will not find in this budget is money to operate the Brady Law's National Instant Check System (NICS) -- a critical component of our gun strategy that became operational on November 30, 1998. In its first 12 weeks of operation, the NICS processed checks for more than 2 million gun transfers. Of these checks, the States that have agreed to serve as partners with the FBI in conducting background checks -- we call them "Points of Contact" or "POCs", processed 990,364. While we do not yet have solid numbers for denials that the State POCs made, we do know that the FBI checks resulted in 22,290 denials of gun transfers.

This means that over 22,000 persons who should not have guns did not get them as a direct result of the National Instant Check System (NICS). Clearly, operating the NICS is a very important priority and essential to our efforts to reduce gun violence.

The reason funding for the National Instant Check System (NICS) does not appear in the FY 2000 budget request is because we are proposing that the operational costs of the NICS be funded through a user fee to be paid by gun purchasers. As you know, Section 621 of the FY 1999 Department of Justice Appropriations Act prohibited the Federal Government from charging a fee. This prohibition has had the effect of discouraging states from serving as points of contact for NICS checks. Understandably, many States have found it politically difficult to continue imposing a state user fee for background checks when the Federal Government performs the checks free of charge.

A federal user fee, however, makes sense from both a public safety and an appropriations viewpoint. Background checks by POC states are generally more thorough because criminal justice records at the State level tend to be more complete and readily available. And, from an appropriations point of view, the costs to the federal government rise as states discontinue their participation as POCs. Simply put, without a federal user fee,

the FBI will face a budget shortfall for NICs that could reach \$115 million next year.

Combating Cybercrime and Terrorism

Another significant challenge we face will be to continue to prevent and combat cybercrime and terrorism. Modern technology has created tremendous opportunity for progress. But, it has also opened the door for cyberterrorists to wreak havoc on our nation's infrastructure. As I told the Committee during my testimony last month, our growing dependence on cyber networks makes us vulnerable to the destruction or intrusion of those networks, and we must be prepared to fight this new cyber threat with new tools.

Last year, through the leadership of Chairman Gregg and this Subcommittee, we were able to establish the National Infrastructure Protection Center (NIPC) to deter, detect, analyze, investigate and provide warnings of cyber threats and attacks on critical infrastructures. But, we must also remember that as computers become essential in our day-to-day lives, they play a larger role in the crime that is perpetrated - not only cyber terrorism, but also other sorts of illegal intrusions. Computers can be used for fraud schemes and to disseminate pornography. In order to improve our ability to deal with these

sorts of computer crimes we MUST raise the general level of computer competence among agents, prosecutors, and investigators -- aggressively training our current staff to have the requisite expertise for these types of investigations and hiring computer experts, where necessary. That is one of the things our FY 2000 budget request seeks to do.

Specifically, the FY 2000 budget request for the Department of Justice includes \$122.6 million in counterterrorism/cybercrime program increases. For the FBI, we are seeking \$45.7 million to add 60 agents to create up to 12 cybersquads to identify, investigate, and prevent threats and unlawful acts targeting the critical infrastructure of the United States, including illegal intrusions into government computer networks, protected civilian computers, and the national information infrastructure. We are also seeking 79 computer forensic analysts for the FBI's field offices and Headquarters. For the U.S. Attorneys, we are seeking \$7.3 million and 87 positions to develop a global response to cyber attacks and to help prosecute the increased number of cases involving computer and high-tech crimes. Increasingly, attorneys are confronted with cases involving sophisticated computer use by terrorists and other criminals. More prosecutors with an understanding of computer technology are critically needed. Nearly \$2 million is included for 9 additional Criminal Division

attorneys to help resolve unique issues raised by emerging computer and telecommunications technologies, litigate cases, provide litigation support to other prosecutors, train federal law enforcement personnel, and coordinate international efforts to combat computer crime.

The Department's FY 2000 request also includes \$27 million for the Counterterrorism Fund to reimburse federal departments and agencies for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism. And, another \$38.5 million is included to expand the Office of Justice Program's domestic preparedness efforts by supporting the new domestic preparedness training center in Alabama, and by purchasing additional equipment to protect first responders and detect chemical or biological weapons. This increase is in addition to the \$135 million in funding provided in FY 1999, bringing the total funding available for First Responder Domestic Preparedness grants to State and local governments to \$173.5 million in FY 2000.

Drug Trafficking and Drug Abuse

The budget I present to you today seeks to step up our efforts to control the flow of illegal drugs and cut down on the demand, with an increase of 2.5 percent over FY 1999, including

growth in direct federal, state and local assistance. With these increased funds, the Department of Justice will have a budget of nearly \$8 billion to fight drugs next year. This increase will enable us to better coordinate investigations and hire additional criminal attorneys to prosecute complex, international drug trafficking cases. And, on the drug prevention side, the funds will be used to expand the drug court program; implement proven programs that help prevent our young people from turning to or continuing to use drugs; and step up our efforts to drug-test and mandate inmate treatment so they don't go back to using drugs as soon as they are released from prison.

Drug Law Enforcement:

Specifically, resources for the Drug Enforcement Administration (DEA) will grow to \$1.469 billion, including \$22 million in program enhancements. Within this amount is \$9 million to augment the Special Operations Division - which supports major federal drug enforcement strategies, including the Southwest Border, the Caribbean Corridor Strategy, and the Methamphetamine Strategy; and, \$13 million to accelerate Phase II of its FIREBIRD office automation project. FIREBIRD provides access to DEA's investigative databases, containing intelligence information on alleged criminal activity which fosters DEA's ability to more efficiently and effectively conduct complex drug

investigations. In the same way that drug traffickers use sophisticated technology to manage their drug empires, drug law enforcement must have the tools to expand its capabilities and keep pace with an ever changing world. In addition, the FY 2000 request includes \$1.13 million for the Criminal Division (CRM) for its support of DEA's Special Operations Division. These monies will enable CRM to increase efforts devoted to prosecuting the complex cases that result from these drug investigations and support the processing of Title III wiretaps.

Zero Tolerance Drug Supervision Initiative:

A \$112 million increase is provided to fund a \$215 million initiative to promote drug testing and treatment. Recent studies have confirmed that our fight against drugs must include efforts to break the cycle between drug use and criminal activity. A report released by the National Center on Addiction and Substance Abuse at Columbia University found that 80% of people serving time in our state and federal prisons either were high at the time they committed their crimes, stole property to buy drugs, violated drug or alcohol laws, or have a long history of drug or alcohol abuse. And, parolees who continue to use drugs are much more likely to commit crimes that will send them back to jail.

These findings are clear: we must stop the revolving door and break the cycle between drugs and criminal activity. To do this, we've included \$100 million to establish a Drug Testing and Treatment Program that will provide discretionary grants to states, local governments, state and local courts, and Indian tribes. These grants will support programs to implement comprehensive drug testing policies and establish appropriate interventions to illegal drug use for criminal justice populations. I strongly believe systemic drug testing is an important tool for criminal justice agencies concerned with controlling drug abuse among offender populations. And, when compared to substance abusers who voluntarily enter treatment, those coerced into treatment through the criminal justice system are just as likely to succeed.

Reducing Juvenile Drug Abuse:

Our request also includes \$20 million for the Juvenile Justice Drug Prevention Demonstration Program that the Subcommittee started two years ago. Designed to develop, demonstrate and test programs to stress to young people that drug use is risky, harmful, and unattractive, in FY 2000 the program will fund up to 280 new sites, reaching approximately 1,000 middle school students per site.

Detaining and Incarcerating Felons

As we investigate and prosecute more criminals, the federal felon population continues to grow. The number of federal detainees has increased annually by an average of 13 percent during the past decade, and by even more in the past few years. And, the federal prison population has increased by 142 percent during the last ten years. Even though meeting this demand for additional detention and prison bedspace is costly, it cannot be ignored. The Department's FY 2000 budget seeks \$738 million in increased resources to meet this mandatory requirement.

Specifically, for the Federal Prison System, our request includes \$607.5 million to construct three new prisons -- 2 of which will add capacity for District of Columbia felons; to cover the startup costs incurred in connection with the construction of 6 more -- including 3 that will add capacity for the Bureau of Prisons to house long-term, non-returnable INS detainees -- a population that has been growing considerably over the last few years. Finally, the request includes resources to activate 5 other facilities to address the 28 percent overcrowding rate systemwide.

These funds will also allow us to meet the conditions of the National Capital Revitalization and Self-Government Improvement

Act of 1997, which requires that at least 2,000 District of Columbia sentenced felons be housed in contract facilities by December 31, 1999. However, because the original Request for Proposal (RFP) to fulfill this requirement was modified to accommodate more stringent security requirements, there is the possibility for a small delay in the actual transfer of these sentenced felons from the D.C. Department of Corrections to BoP contract facilities. If these delays are realized, reimbursements for this population will occur between the BoP and the D.C. Corrections Trustee. This action should not, however, affect the closure date for the Lorton Correctional Complex.

For the United States Marshals Service, our request includes \$119.6 million to fund the costs associated with approximately 8.87 million contract jail days, 2.1 million above the anticipated FY 2000 base level. The detainee population has grown considerably over the last few years due to significant increases in apprehensions by our growing law enforcement personnel at the FBI, the DEA, and the INS Border Patrol. As a result, we are reaching a crisis situation in paying for the bedspace to house detainees awaiting trial. Indeed, for FY 1999 we will be facing a shortfall in the Federal Prisoner Detention account for which I will need your assistance. I am attempting to address our shortfall from within existing Department

resources and am hopeful you will concur with my reprogramming request. Furthermore, we have engaged a firm to develop a model that should enable us to better predict our future detention needs.

We are also requesting a \$10 million increase for the Cooperative Agreement Program (CAP), providing a total of \$35 million, to enable the USMS and the INS to obtain detention space in cities and towns where detainee populations are large and detention facilities limited.

In addition to the needs of the Federal Prisoner Detention program, the FY 2000 budget request includes nearly \$27 million in increased funding for the U.S. Marshals Service to handle the increased workload generated by staff increases in other federal law enforcement agencies, and to provide the personnel and equipment necessary to ensure that new courthouses and new courtrooms in existing facilities can open on schedule and with adequate security.

In many ways, the Marshals Service work is uncontrollable in that the Marshals organization must meet the needs of the Judiciary and our investigators and prosecutors. The Marshals do not control the number of threats that judges may be confronted

with, or the number of prisoners coming into their custody. I have had the Department review USMS spending in 1999 and believe that the Marshals Service must be fully funded in FY 2000 if it is to have a chance at fulfilling its mission.

INS Central American Detention Shortfall

Emergency Supplemental

Exacerbating the already untenable situation we face with limited detention bedspace and funds to cover the costs of housing the alien detainee population in state and local jails, the mass destruction left in the wake of Hurricane Mitch resulted in the suspension of all alien removals to Honduras, Nicaragua, El Salvador and Guatemala during the two months immediately following the Hurricane. While limited controlled removals have begun, the pace remains slow. In addition, limited detention bedspace means that INS is unable to accommodate large numbers of illegal border crossers, particularly those from Central America. If this situation continues, INS is concerned that many more people will attempt to illegally cross the border. As a result, it is estimated that \$80 million is required in FY 1999 to support these increased detention requirements.

On February 16, 1999, the President submitted the FY 1999 Emergency Supplemental for Central American Disaster Relief which includes the \$80 million for INS detention requirements I have just described. I hope you will be supportive of this request. Without these additional monies, our detention crisis will only become more dangerous and unmanageable.

Immigration

Beginning in 1994, the Administration, with the strong backing of this Subcommittee, embarked on an unprecedented effort to strengthen our ability to control the flow of illegal immigration into this country. This effort has included doubling the size of the Border Patrol, adding over 1,900 Immigration Inspectors to better facilitate the flow of legal travelers and identify those seeking entry illegally, and establishing an interior enforcement strategy that works in concert with our efforts along the border. We continue to deploy field-tested, effective technologies, and we have struck accords with other agencies, such as the U.S. Customs Service, enabling our philosophy of "enforcement through deterrence" to successfully evolve. The FY 2000 budget request continues this aggressive effort, but also reflects important management considerations that can no longer be ignored.

Specifically, no funding is requested to increase the number of border patrol agents in FY 2000. The request continues Border Patrol staffing at the FY 1999 level of nearly 9,000 agents, a 122 percent increase from the FY 1993 level of 3,965 agents, and allows us the time to ensure that we sustain the professionalism and integrity of our border patrol cadre of agents.

When I testified before this Committee in March of 1995, I committed to having 7,281 Border Patrol Agents on board by the end of FY 1998. We have met and exceeded this figure. The FY 1999 projected number of Border Patrol Agents on board will be 8,947.

The high proportion of new agents makes it necessary that they be allowed to integrate into the Border Patrol corps to safeguard the highest standards of law enforcement professionalism for this new workforce. Law enforcement experts indicate that it is very risky to allow an agency's overall ratio of inexperienced to experienced agents to exceed 30 percent. When it does, the agency will find it difficult to maintain performance, professionalism and integrity. Some municipal police departments have struggled with significant corruption and performance problems when they have greatly expanded their uniformed force in a short amount of time. INS cannot guarantee

ITS IMPERATIVE
THAT CONGRESS +
THE INS LEARN
FROM THESE CASES.

that it will not have the same problems. In a recent study, it was determined that the percentage of Border Patrol Agents having two years or less service as of July 18, 1998, was almost 39 percent compared with October 2, 1993, when only 15 percent of Border Patrol Agent's had less than two years of service.

Mr. Chairman, it is essential that the considerably large numbers of new Border Patrol agents be given time to assimilate, gaining critical and valuable experience. The FY 2000 budget maintains the Administration's commitment to border control with its request for \$50 million to increase force-multiplying surveillance technology which, through the Integrated Surveillance Intelligence System (ISIS), provides the capability to monitor the border from remote sites. ISIS will relieve Border Patrol Agents from having to go to sites needlessly, thus increasing their effectiveness, while giving the Border Patrol time to raise experience factors to acceptable levels.

In addition, the FY 2000 request includes \$6 million for new border inspectors in Texas; \$20 million in increased funding to transport and remove aliens in INS custody and to increase detention space; and, \$70.6 million to plan and construct new detention facilities, new Border Patrol Stations, and Sector Headquarters space.

Targeting Crime in Indian Country

The FY 2000 budget includes \$124 million to fund the second year of our Indian Country Law Enforcement Initiative, begun with the help of this Subcommittee last year. Using funds appropriated in FY 1999, the Department has been working closely with the Department of Interior to address the critical need for better law enforcement in Indian Country and to find new ways to deliver resources to tribal communities in the most efficient manner. To that end, the Department, through its grant programs, is encouraging tribal communities to work together through inter-tribal or regional cooperation so that we can make the most impact with current resources. The Department is also developing a model project on three reservations -- the CIRCLE Project -- to assist tribal leaders in developing a comprehensive plan to address their community's problems. I hope that this project will serve as a model for future, comprehensive efforts to improve public safety in Indian Country.

To build on the efforts we have begun with FY 1999 resources, the FY 2000 request includes \$45 million for the hiring, equipping, and training of Indian Country law enforcement officers through the 21st Century Policing Program; \$34 million for the construction of badly needed corrections facilities; \$10 million for alcohol and substance abuse treatment in Indian

Country as part of the new Drug Testing and Treatment Program; \$20 million in At-Risk Youth Initiative funds to assist Indian tribes to prevent and control delinquency, improve their juvenile justice systems, and improve coordination and cooperation between tribal governments, federal agencies, and other organizations serving Indian youth; \$5 million to continue the Tribal Courts Program; \$5 million from the Police Corps Program to increase the number of police in Indian country with advanced education and training; \$2 million to conduct a national census of tribal criminal justice agencies and related statistical activities to improve the Nation's understanding of crime and the administration of justice among Native Americans; and, \$3.2 million and 26 assistant United States attorneys to investigate and prosecute crimes in Indian Country where Federal law enforcement is the only avenue of protection for victims of such crimes.

Department Litigation

The Department's FY 2000 budget request includes \$59.5 million in program increases for the litigating divisions of the Department of Justice. As responsibilities and caseloads continue to increase, these additional resources are critical to the Department's ability to prevent, investigate and prosecute unlawful activities.

Within these increased resources, \$21.7 million is included to provide payments of claims expected to be approved under the Administration's proposed amendments to the Radiation Exposure Compensation Act; and, \$9.55 million from pre-merger filing fees is requested for the Antitrust Division to maintain its criminal enforcement program and to meet its statutory requirements related to reviewing and investigating the increasing number of mergers. For the Civil Rights Division, \$8.23 million is included to expand efforts to prosecute hate crimes, step up the enforcement of fair housing and fair lending laws, and protect the rights of Americans with disabilities.

Another \$20 million is included for the Civil Division: \$5 million for audit work and automated litigation support associated with *Columbia/HCA* matters, where fraud has been alleged in virtually every aspect of the largest health care conglomerate in the United States; and, \$15 million for tobacco litigation. Like the States, the federal government has expended considerable resources to combat tobacco-related illnesses, incurring significant expenses through Medicare, CHAMPUS, the Veteran's Administration, the Department of Defense, and the Indian Health Service. With these new resources, the Civil Division will aggressively pursue claims against responsible third parties to recover such expenses. In addition, \$5 million

is requested to cover the cost of anticipated expert witnesses in the tobacco litigation.

For the U.S. Attorneys, we are seeking \$5 million to handle an expanding defensive civil caseload for tort litigation, employment discrimination, Social Security disability, and prisoner litigation. Also, another \$5 million is requested to implement the provisions of the Child Support Recovery Act of 1996 and the Deadbeat Parents Punishment Act of 1998.

Other Justice Department Initiatives

In addition to the special initiatives I have outlined thus far, the Department's FY 2000 budget includes \$171.25 million for other important program enhancements. These include funding to improve communications, to respond to this Committee's concern regarding the timeliness of Office of Inspector General investigations, and to improve FBI intelligence collections and management capabilities.

Information Resources Management:

Specifically, \$80 million in additional funding is requested to improve the information sharing abilities of the Department and to upgrade much needed legal and management tools. Within this amount, we are seeking \$38.8 million to move forward with

the FBI's Information Sharing Initiative (ISI) which supports the FBI's overall information technology and, specifically its Information Collection and Analysis Strategy critical to the success of FBI operations; and, \$37 million for Legal Activities Office Automation (LAOA) to upgrade critical legal and management tools within the Department.

Narrowband Communications:

Another \$56.6 million is requested to accelerate the conversion of the Department's wireless radio communications to narrowband operations, and to establish the Wireless Management Office within the Justice Management Division as directed by this Committee.

Federal Bureau of Investigation:

And, \$14.5 million in additional funding is included for FBI law enforcement services, including the federal offender DNA database, improved connectivity between state and local crime labs and the FBI, and to begin outfitting the new FBI laboratory. Also, \$5.8 million is requested to improve FBI intelligence collections and management capabilities.

Office of Justice Programs:

In addition, within total funding for the Office of Justice Programs, \$7.75 million will be used for new civil rights and hate crimes initiatives -- including \$5 million to create Civil Rights Enforcement Partnerships that will provide competitive grants to help build the capacity of states to address specific enforcement issues within their jurisdictions by hiring additional staff, primarily prosecutors.

Office of the Inspector General:

The FY 2000 budget request includes \$7.5 million in increased funding for the Office of Inspector General (OIG), \$5 million of which would replace with direct appropriations a reimbursement agreement with the INS for audit, inspection, and investigative oversight that has been in place since FY 1992. This will provide a more streamlined and efficient means of providing funding for the OIG and will eliminate the need for future reimbursements between the OIG and INS for fee-related work. The \$2.5 million in request program enhancements would fund 31 new positions in the OIG's Investigations Division and six positions in its Special Investigations and Review Unit. These enhancements are essential to enable the OIG to effectively address record numbers of misconduct allegations while reducing its average case closure rate to 180 days.

U.S. Trustees:

The FY 2000 request also includes an increase of \$4.9 million to meet the ever-increasing number of bankruptcy filings, as well as to provide the U.S. Trustees with new capability for word processing, database management, communications, file-transfer, and security.

Conclusion

Mr. Chairman, I have attempted to outline for you today, the principal focus of the FY 2000 budget request for the Department of Justice.

I appreciate the support you have given to me, and to the Department of Justice during the past six years. We have made tremendous progress in fighting crime, and with your continued support, I am certain we can continue to build on our progress made to date.

Thank you. I look forward to answering any questions you might have.

**Attachment 1: Office of Justice Program -- Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)**

	1999		
	Budget	Pasbak	Rec
COPS	1,420	300	300
Community Prosecutors	0	0	50
Prosecutorial Initiatives	0	0	100
Weed and Seed	0	0	0
Byrne Discretionary	0	0	15
Justice Assistance			
National Institute of Justice, New Programs	0	0	5
Justice Assistance	0	0	15
Regional Information Sharing System	0	0	0
Information Technology	0	0	100
Juvenile Justice Discretionary Grants	0	0	0
Juvenile Justice State Challenge Grants	0	0	0
Juvenile Justice, Other	0	0	0
Brady Handgun Violence Prevention	0	0	45
DNA Lab Improvement	0	0	20
New Money	0	0	650
Subtotal, COPS II		300	1,300
Justice Assistance			
Technology Program	0	100	0
Other Justice Assistance	162	172	152
Subtotal, Justice Assistance	162	272	152
Juvenile Justice			
Discretionary Grants	43	43	43
State Challenge Grants	10	10	10
Juvenile Justice Formula Grants	89	89	89
At-Risk	95	95	95
Other Juvenile	41	52	52
Subtotal, Juvenile Justice	278	289	289
Crime Programs			
Prosecutorial Initiatives/Community Prosecutors	150	100	0
Byrne, Formula	505	482	432
Byrne, Discretionary	47	70	55
Prisons	561	171	171
Prison Earmark, State Criminal Alien Assistance Program	150	100	100
Drug Courts	30	40	40
State Criminal Alien Assistance Program	350	400	400
Violence Against Women Act	271	283	283
Residential Substance Abuse Program	72	63	63
Brady Handgun Violence Prevention	45	45	0
State Court Assistance	60	5	5
DNA Lab Improvement	15	20	0
Weed and Seed	40	34	34
Drug Testing/Intervention	85	0	0
Other Crime Programs	28	7	7
Subtotal, Crime Programs	2,409	1,820	1,590
Anti-Terrorism	145	174	174
Public Safety Officers Benefits Program	0	4	4
Total, State and Local Assistance	4,414	2,859	3,509
Funding Freed Up			350
New Money for COPS II			650

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THE NEXT GENERATION COPS INITIATIVE -- \$1.4 BILLION TOTAL

Police Hiring -- \$700 Million

Crime Fighting Technologies -- \$350 Million

Community-Based Prosecutors -- \$200 Million

Community Crime Prevention -- \$150 Million

I. Explanation of COPS II

This initiative reauthorizes and expands the President's COPS initiative, which is otherwise scheduled to expire in FY 2000. It maintains COPS spending at \$1.4 billion annually, but allocates half of the funds to investing in new crime-fighting technologies; hiring community-based prosecutors; and establishing community crime prevention programs. More specifically, COPS II funding would be allocated as follows:

A. \$700 million for more police on the street. Similar to the current program, these funds would be used to hire and redeploy as many as 8,000 police officers each year. A minimum of \$50 million would be reserved for 1-year retention waivers that would help economically-distressed communities pick-up the long-term costs of their new police hires. Another \$150-200 million would be set aside for popular earmarks supported by both the Administration and Congress (i.e., bulletproof vests, Indian country law enforcement, Police Corps, school safety, etc.), and additional earmarks could be proposed for high-crime "hot spots" as part of the race initiative or for DPC's proposed firearms enforcement initiative.

B. \$350 million for crime-fighting technologies. These funds would be used to help state and local enforcement agencies tap into new technologies that will allow them to communicate more effectively, solve more crimes, and forecast future crime problems. Funds should be targeted as follows:

(1) \$125 million for improved police communications. Major public safety incidents, such as the World Trade Center and Oklahoma City bombings, have dramatically illustrated the deficiencies of the existing public safety radio communications -- and the need for federal leadership in creating a national communications infrastructure that will allow police to communicate effectively in joint operations, first responder situations, and regional enforcement settings. Accordingly, this initiative proposes:

- \$60 million for state planning grants to promote interoperability;
- \$20 million for NTIA demonstration grants;
- \$20 million for information technology integration grants; and
- \$25 million for other communications improvements, including helping police departments implement 3-1-1 non-emergency numbers and install wireless information terminals in their police cars.

(2) \$125 million for new crime-solving technologies. One of the single greatest needs in law enforcement is for forensic infrastructure -- especially for DNA analysis. The nation's crime labs are under funded, overwhelmed by the volume of their work, and unable to harness the full range of technologies available today to solve as many crimes as possible. For example, there is currently a backlog of nearly half a million cases of convicted offenders (mostly sex offenders) who -- under applicable state laws -- have had samples of their DNA taken in prison but not entered in the national CODIS DNA database. This means that hundreds of crimes that could be easily solved are not. By working to improve local forensic labs and developing a national forensic infrastructure that makes high-end forensic technologies -- such as DNA analysis, photo enhancement and voice recognition -- available to even the smallest police departments, we can help local law enforcement develop an unprecedented ability to solve more crimes. Funds under this initiative would be targeted as follows:

- \$15 million to reduce the CODIS backlog;
- \$60 million to improve crime laboratories; and
- \$50 million to improve criminal history records (including Brady records and sex offender registries).

(3) \$100 million for crime-forecasting information. As police departments across the nation move toward community policing, many have found that their greatest tool is real time crime and arrest data -- especially information that shows a neighborhood in context. That is why crime mapping -- such as New York's COMPSTAT -- defines the cutting edge of community policing. It allows police management to hold their officers accountable, and communities to hold police departments accountable for results. However, only about a third of the nation's large police departments -- and only about 3 percent of small departments -- are doing any computerized crime mapping. To help solve local crime problems and forecast future crime waves, the nation's major police departments require even more sophisticated crime analysis capabilities, including -- incident-based crime reporting, local victimization surveys, gun tracing systems, arrestee drug abuse monitoring, public surveys to measure fear, and links to local universities. To promote these and other advanced community policing methods, this initiative would provide:

- \$50 million to promote crime mapping nationwide; and
- \$50 million to promote sophisticated crime analysis models.

C. \$200 million for community-based prosecutors. Community prosecution is the natural next step to community policing. As local police and community residents have joined forces to fight crime on a proactive basis, prosecutors have been asked to dedicate attorneys to work in the neighborhoods, to help solve local crime problems, and to focus on preventing crimes from happening in the first place. Under this proposal, competitive grants would be made available to state and local prosecutors for the following purposes:

- \$150 million to hire, redeploy or train approximately 2,000 prosecutors to interact directly with members of the community and to work on solving local crime problems; and

- \$50 million to develop and implement innovative programs that permit members of the community to assist prosecutors in crime control and prevention.

As with the original COPS program, grants would be for 3 years and pay for a maximum of 75% of the costs -- with the federal share declining over the life of the grant. Half the grant funds would be targeted to prosecutors' offices in large jurisdictions (over 500,000 persons) and the remaining half would go to smaller jurisdictions.

D. \$150 million for community crime prevention. Lastly, COPS II should specifically target funds to engage the entire community in preventing and fighting crime -- including community residents, non-criminal justice government agencies, and the private sector. Examples of how these funds could be used include: involving faith-based organizations in juvenile crime prevention; recruiting seniors to help police identify and respond to abandoned cars, neglected properties and other crime-breeding conditions; establishing citizens' police academies and teaching neighborhood residents problem-solving skills; promote police partnerships with juvenile justice and child welfare agencies; partnering with local environmental agencies to crackdown on gang-run, illegal dumping in the inner city; and establishing business-led police foundations that promote professional policing.

II. Funding for COPS II

Although the overall funding level for COPS II is \$1.4 billion annually, nearly half of the funding required -- \$650 million -- is already built into the budget. This includes:

- \$300 million for the final year of COPS funding;
- \$100 million for a stand-alone juvenile prosecutors initiative;
- \$50 million for a community prosecutors initiative earmarked in Byrne funding;
- \$100 million for improved police communications (offset by analog spectrum fees);
- \$45 million for state criminal history records and sex offender registries;
- \$27 million for DNA/forensics improvements; and
- \$20 million for crime mapping, local crime surveys, and other crime forecasting tools.

An additional \$750 million in new funds or offsets are required to fully fund COPS II. With only \$1 billion available to resolve DOJ budget issues, OMB has agreed to dedicate \$650 million of this amount to COPS II, but insists it needs --at a minimum -- the remaining \$350 million to resolve other DOJ budget appeals. That leaves us \$100 million short in funding for COPS II that either have to come from other Justice programs or new funds.

III. Additional Background

An outline of the COPS II initiative has been shared with the Vice President's Office, OMB and

the Justice Department. Generally, they are supportive in principle of this new initiative and expect it to be the President's number one crime priority in the FY 2000 budget. Additional funding for COPS II also helps resolve some problems for both agencies: it helps increase the overall drug budget; restores some of the dramatic cuts to state and local law enforcement assistance; and ensures funding for key VP and DOJ projects that might otherwise be at risk. Ultimately, if DOJ is not satisfied with how it fares in the budget appeals process, it may oppose funding COPS II at the proposed level.

FIREARMS ENFORCEMENT INITIATIVE -- \$109 MILLION TOTAL

Youth Crime Gun Interdiction Initiative -- \$34 Million

New Federal Gun Strike Forces -- \$25 Million

State and Local Law Enforcement Grants -- \$50 Million

I. Explanation of Firearms Enforcement

This initiative seeks to attack gun crime by enhancing and better coordinating the enforcement of the federal firearms laws. It expands the President's Youth Crime Gun Interdiction Initiative (YCGII) and dedicates new resources for state, local and federal law enforcement to focus on investigating and prosecuting a broad range of gun crimes. More specifically, it includes the following 3 components:

A. \$34 million for increased crime gun tracing and investigation of gun traffickers.

This proposal increases funding for the President's YCGII initiative by \$6 million, allowing the Bureau of Alcohol, Tobacco and Firearms (ATF) to conduct comprehensive gun tracing in at least 5 more cities and to hire 30 additional ATF agents to follow-up on the leads generated by this effort. In total, the FY 2000 budget for YCGII includes:

- \$12 million for comprehensive crime gun tracing in 27 cities;
- \$16 million for an estimated 162 ATF agents to investigate illegal gun traffickers (about 6 agents per city); and
- \$6 million to add at least 5 new cities and 30 more agents.

B. \$25 million for more than 200 new federal prosecutors and ATF agents. Despite the Administration's strong efforts to pass some of the toughest gun laws ever -- including the Brady Law, the ban on assault weapons and the Youth Handgun Safety Act -- the overall number of federal gun crimes that are prosecuted are down by an estimated 25 percent. Moreover, there are nearly 200 -- or 10% -- fewer ATF agents today than when the President took office in 1993. To help reverse this trend -- as well as to preempt bipartisan support in Congress to mandate the federal prosecution of even minor gun offenders -- this initiative proposes a comprehensive effort to target a range of gun crimes in 10 to 15 cities with:

- \$15 million to hire 125 new ATF agents (about 10 per city); and
- \$10 million to hire 80 new federal prosecutors (about 5 per city).

C. \$50 million for state and local law enforcement. The final piece of this initiative sets aside funds for local law enforcement agencies and prosecutors' offices in 10 to 15 cities to hire, train and dedicate personnel to work with federal law enforcement officials in investigating and prosecuting a broad range of gun crimes. By better coordinating with local law enforcement -- as was done in the successful Boston Gun Project -- we can ensure that federal law enforcement resources and mandatory federal sentences are used to target the worst offenders, while ensuring that local authorities have comprehensive

strategies to deal with lesser gun criminals. Funds for this part of the initiative would be distributed as follows:

- \$25 million for state and local law enforcement agencies; and
- \$25 million for state and local prosecutors.

II. Funding for the Firearms Enforcement Initiative

OMB's current budget already includes all but the \$25 million for new the 200 federal prosecutors and ATF agents. The \$6 million increase in YCGII has already been passed back to Treasury, and the \$50 million in state and local law enforcement grants can be earmarked from the police and prosecutors hiring funds in COPS II. However, given that both Treasury and Justice face such severe funding constraints in their base budgets, this initiative will only be meaningful if new funds are found. Otherwise, federal prosecutors and ATF agents will only be diverted from other law enforcement purposes.

III. Additional Background

Perhaps the most important point to remember about the Firearms Enforcement Initiative is that it may actually save us money in the out years. There is growing bipartisan support in Congress - and by the both the gun lobby and gun control advocates -- to mandate the federal prosecution of most gun criminals, yet few resources are likely to be dedicated for this purpose -- especially for ATF. By partnering with state and local law enforcement agencies, we can launch a comprehensive initiative that enhances efforts to prosecute and punish gun criminals, but that limits the federal role to crime gun tracing and investigation and prosecution of only the most serious offenders.

I have discussed the concept of this initiative with both Treasury and Justice, and they are supportive if the funding for the initiative does not come from their base. If it does, they are likely to be strongly opposed. Additionally, Treasury will want to dedicate a portion of any new funds -- ideally about \$6 million -- for new agents to investigate Brady violations forwarded from the FBI's National Instant Check System. Although I am not opposed to this, I believe it makes more sense for the proposed new ATF agents to focus on all types of gun crimes -- including Brady cases if warranted. If necessary, however, \$6 million could be carved out to ensure that referrals from the NICS are appropriately reviewed.

CERTAINTY OF PUNISHMENT -- \$100 MILLION Certainty of Punishment Initiatives -- \$50 Million Youth Gun and Drug Courts -- \$50 Million
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I. Explanation of Certainty of Punishment for Young Offenders Initiative

This initiative will authorize funding for states, local governments, and Indian tribes to develop and implement innovative punishment alternatives to incarceration and probation for youthful offenders (up to age 25) -- to ensure certain punishment, strengthen accountability and responsibility, foster reduced recidivism, and promote assistance for victims.

A. \$50 million for certainty of punishment initiatives. These funds would provide grants to states and local governments to promote innovative methods to send a message to youthful offenders that there are clear and certain consequences for breaking the rules, such as:

(1) Police accountability conferences, or juvenile shaming sentences, in which law enforcement officers bring offenders, and their family members face-to-face with the victims of their crimes to agree upon appropriate reparations including restitution and/or community service;

(2) Correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

(3) Increased supervision by probation officers, the courts, prosecutors, public defenders, and corrections agencies;

(4) Graduated sanctions for young offenders convicted of serious violent, or gang-related offenses;

(5) Teen courts, or peer juries to promote zero tolerance policies for misdemeanors such as truancy, alcohol and tobacco-related offenses, and graffiti offenses;

(6) Restitution programs for young offenders; and

(7) Community service programs that provide work service placement for young offenders at non-profit, private organizations, including faith-based institutions, and other community-based or civic organizations.

B. \$50 million for youth gun and drug courts. Most local juvenile court systems were designed to cope with truancy and delinquency problems, not armed or violent repeat juvenile offenders. As a result, specialized courts are emerging throughout the country to deal with youthful offenders -- bringing innovative ideas and penalties to the overburdened juvenile justice system. Juvenile gun and drug courts can provide settings

that can specifically deal with these offenses -- helping to create individualized penalties which benefit the public and deter recidivism.

(1) Drug Courts -- While overall drug use remains level, youth drug use continues to rise. Drug courts have a proven record for cutting drug use and crime for adult offenders. Similarly, youth drug courts divert nonviolent drug-abusing youths out of the regular juvenile court system and employ the coercive power of the court to force escalating sanctions, mandatory drug testing, and treatment -- to teach youth responsibility, demand accountability for their actions, and prevent future drug use.

(2) Gun Courts - A recent Justice Department survey of high school male youths found that nearly 30% possessed or carried a gun. Similar to drug courts, juvenile gun courts can provide a more focused disposition than the traditional courts by offering specifically tailored interventions -- for example, interventions designed to affect youths' orientation to weapons, or increase their awareness of the reality of weapons injuries.

II. Funding for Certainty of Punishment

This initiative would require \$95 million in new funding. OMB's passback to Justice only includes \$5 million for youth court programs. Potential, though controversial, offsets include: (1) the remaining \$100 million in state prison grants; or (2) reducing the \$500 million in assistance to the states for incarcerating criminal aliens.

III. Additional Background

We have not shared an outline of this initiative with Justice or OMB, though they should be familiar with the programs (The Certainty of Punishment initiative was included by Schumer in the original crime bill, and the courts program is from our juvenile crime bill). Justice would oppose the initiative if it were funded by offsets in other juvenile justice programs. While they are not opposed in principle to this initiative, they did not deem the youth courts initiative sufficiently important to appeal to OMB.

COERCED ABSTINENCE FOR DRUG OFFENDERS -- \$250 MILLION

Expanded Drug Courts -- \$50 Million

Residential Substance Abuse Treatment -- \$75 Million

Prisoner and Parolee Drug Testing/Treatment -- \$75 Million

Probationer/Arrestee Drug Testing -- \$50 Million

I. Explanation of Coerced Abstinence Initiative

This initiative uses the “coercive” power of the criminal justice system to require rigorous drug testing, progressively severe sanctions, and treatment for all drug offenders. It expands coerced abstinence from drugs by: (1) expanding the President’s innovative drug court initiative that targets nonviolent, drug offenders; (2) providing long-term residential treatment for hardcore drug users before they are released from prison; (3) increasing funds for states and localities to provide testing, graduated sanctions, and treatment for prisoners and parolees; and (4) launching a new initiative to systematically drug test state and local probationers and pre-trial arrestees.

A. \$50 million for expanded drug courts. Since the creation of President Clinton’s drug court initiative in the 1994 Crime Act, the number of drug courts has grown exponentially -- from 12 in 1994 to more than 400 today. Drug courts provide more frequent drug testing, and treatment than other forms of community supervision, and have been shown to substantially reduce recidivism. This proposal would increase funding for drug courts by an additional \$10 million over the current level -- demonstrating a solid commitment to the continued expansion of this successful initiative.

B. \$75 million for residential substance abuse treatment. This proposal would increase funding for the Residential Substance Abuse Treatment (RSAT) program. RSAT provides grants to states for prison drug testing, accountability, and long-term treatment. This residential-based treatment program is geared toward prisoners with the most serious substance abuse problems and has proven to be an effective means of decreasing drug use and recidivism.

C. \$75 million for prisoner/parolee drug testing and intervention. President Clinton supported legislation requiring states to implement comprehensive drug testing and treatment for prisoners and parolees as a condition of receiving federal prison grants. This proposal bolsters this effort by giving states \$75 million to help implement their drug testing and intervention plans.

D. \$50 million for probationer/arrestee drug testing. This proposal would, for the first time, provide resources for state and local courts to systematically drug test all probationers and arrestees. In 1997, there were over 3.2 million adults serving probation sentences, two-thirds of which had serious drug and alcohol problems. These funds would be used to encourage several key states and local jurisdictions to regularly drug test and, if necessary, treat and/or sanction about 15,000 drug offenders who are under criminal justice supervision but not incarcerated.

II. Funding for Coerced Abstinence Initiative

This initiative requires \$97 million in new funding. The remaining \$153 million has already been included in OMB's passback to Justice as follows:

- \$40 million for drug courts;
- \$63 million for RSAT; and
- \$50 million for prison drug testing/treatment (earmarked in Byrne formula funds).

Potential, though controversial, offsets include: (1) the remaining \$100 million in state prison grants; or (2) reducing the \$500 million in assistance to the states for incarcerating criminal aliens.

III. Additional Background

Although we have not shared this specific proposal with the Justice Department, we expect them to be supportive. Justice's appeal proposes zeroing out the prisons budget and using \$85 million of those funds to help state prisons implement their drug testing/treatment plans. The only meaningful difference is that we also support funds to begin drug testing/treating probationers and arrestees.

Attachment 1: Office of Justice Program - Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)

	1999		
	Budget	Fashak	Rec
COPS	1,420	300	300
Community Prosecutors	0	0	50
Prosecutorial Initiatives	0	0	100
Weed and Seed	0	0	0
Byrne Discretionary	0	0	15
Justice Assistance			
National Institute of Justice, New Programs	0	0	5
Justice Assistance	0	0	15
Regional Information Sharing System	0	0	0
Information Technology	0	0	100
Juvenile Justice Discretionary Grants	0	0	0
Juvenile Justice State Challenge Grants	0	0	0
Juvenile Justice, Other	0	0	0
Brady Handgun Violence Prevention	0	0	45
DNA Lab Improvement	0	0	20
New Money	0	0	650
Subtotal, COPS II		300	1,300
Justice Assistance			
Technology Program	0	100	0
Other Justice Assistance	162	172	152
Subtotal, Justice Assistance	162	272	152
Juvenile Justice			
Discretionary Grants	43	43	43
State Challenge Grants	10	10	10
Juvenile Justice Formula Grants	89	89	89
At-Risk	95	95	95
Other Juvenile	41	52	52
Subtotal, Juvenile Justice	278	289	289
Crime Programs			
Prosecutorial Initiatives/Community Prosecutors	150	100	0
Byrne, Formula	505	482	432
Byrne, Discretionary	47	70	55
Prisons	561	171	171
Prison Earmark, State Criminal Alien Assistance Program	150	100	100
Drug Courts	30	40	40
State Criminal Alien Assistance Program	350	400	400
Violence Against Women Act	271	283	283
Residential Substance Abuse Program	72	63	63
Brady Handgun Violence Prevention	45	45	0
State Court Assistance	60	5	5
DNA Lab Improvement	15	20	0
Weed and Seed	40	34	34
Drug Testing/Intervention	85	0	0
Other Crime Programs	28	7	7
Subtotal, Crime Programs	2,409	1,820	1,590
Anti-Terrorism	145	174	174
Public Safety Officers Benefits Program	0	4	4
Total, State and Local Assistance	4,414	2,859	3,509
Funding Freed Up			350
New Money for COPS II			650

58 cleared
35 CAP
TRANS

DEPARTMENT OF JUSTICE

PASSBACK GUIDANCE

FY 2000

November 24, 1998

DEPARTMENT OF JUSTICE
2000 PASSBACK GUIDANCE
(Discretionary BA and Outlay Dollars in Millions)

<i>Funding Summary:</i>		<i>1998 Actual</i>	<i>1999 Enacted</i>	<i>2000 Recommended</i>	<i>Change 1999-00</i>
<i>Domestic/International</i>	BA	11,864	12,231	12,695	464
<i>Discretionary</i>	OL	10,780	11,991	12,836	845
<i>Defense Discretionary</i>	BA	254	321	319	(2)
	OL	241	298	307	9
<i>Justice Portion of the VCRTF</i>	BA	5,185	5,468	4,149	(1,319)
	OL	3,131	4,643	5,039	396
GROSS TOTAL	BA	17,303	18,020	17,163	(857)
	OL	14,152	16,932	18,182	1,250
<i>Analog Spectrum Fee</i>	BA			(185)	(185)
	OL			(185)	(185)
NET DOJ TOTAL	BA	17,303	18,020	16,978	(1,042)
	OL	14,152	16,932	17,997	1,065
<i>Personnel Summary (FTE)</i>		117,312	123,607	128,864	5,257

DEPARTMENT OF JUSTICE 2000 PASSBACK GUIDANCE

Overview

The passback for FY 2000 is \$17,163 million in BA and \$18,182 million in outlays, a 4.8 percent decrease from the FY 1999 enacted level and 5.4 percent below the 1999 President's request. This passback level includes a Federal civilian pay raise of 4.4 percent, annualization of 1999 positions, a restoration of the Y2K rescissions, National Archive and Records Administration reimbursable costs, and other adjustments to base. At this time, only FY 2000 decisions are provided. It is possible that some of the budget allowance provided may be reduced at a later date to make room for other Presidential priorities.

The passback does not provide an account-by-account allocations for the \$17,163 million in budget authority. The Department has wide latitude to distribute resources among its bureaus and accounts and to determine an optimum program mix from the resources provided. Specific funding levels and guidance, however, has been provided for designated bureau programs in the following pages. Defense discretionary funding included in the total is designated for the National Drug Intelligence Center (\$27 million), FBI salaries and expenses (\$260 million), telecommunications carrier compliance (\$8 million), and radiation exposure (\$24 million). The FTE levels provided are the best estimate of what the passback funding levels provide. They are not ceilings.

Any appeal of the resource levels or the specific guidance provided in this document must be transmitted in writing no later than Tuesday, December 1, 1998. Funding appeals should be listed in priority order and by program or project.

Finally, we thank the Department and its bureaus for their assistance and cooperation during the FY 2000 budget review process and in particular for their responsiveness to numerous inquiries over the past few months.

Funding Highlights by Bureau or Activity

Immigration Initiative

Addressing an unacceptable backlog in applications for citizenship benefits to those eligible and securing the Nation's borders are Presidential priorities. Funding for the Immigration and Naturalization Service's (INS) Salaries and Expenses, VCRTF, and Construction accounts are highlighted below:

- Items/Increases Funded

- \$69 million in enhancements, in addition to the \$55 million in base funding, for a total of \$124 million to supplement fee revenue and complete the naturalization backlog reduction and process reengineering initiatives. Funds are provided for base restoration (\$63 million); term employees (200 positions and \$15.6 million); CLAIMS support (\$6 million); comprehensive telephone center (\$26.2 million); reengineering (\$7 million) and records management (\$6.5 million). This funding supports a two-part, one-time fix to the naturalization program and is based on an INS commitment to achieve an applicant wait-time of 6-9 months and a return to fully fee funded immigration service operations by FY 2001. This funding, in addition to existing base resources used to support INS' naturalization program, are dedicated solely for this purpose and should not be used to fund any other immigration service or benefit program without obtaining prior approval.
- \$50 million for Integrated Surveillance Intelligence System (ISIS). This funding level increases Border Patrol productivity by investing in force-multiplying border technology and equipment. The ISIS technology is estimated to "free" five or more Border Patrol agents at each site installed from watching the border to actively responding to incursions. As a result, this \$50 million technology investment is equivalent to adding 1,000 new agents. In addition, this technology can be deployed in a single year -- ensuring an effective deterrent while the Border Patrol fully deploys staffing increases obtained over the past few years.
- \$20 million and 175 positions to support detention. Funding and staff are provided to: expand the use of the Justice Prisoner and Alien Transportation System (JPATS); detain and remove illegal aliens; and meet the need for increased juvenile bedspace.
- \$6 million and 87 positions to staff new land ports of entry. Provides funds and staff for land border ports scheduled to open in 2000. Comparable levels of staffing were provided to the Customs Service for these ports last year.
- \$78.4 million in enhancements for facilities construction and renovation. This funding is provided as an enhancement to the \$22.1 million base in the Construction Account: to renovate and construct Border Patrol stations and build and maintain border barriers (\$55.9 million) and to plan, design and construct detention facilities (\$22.5 million).
- Funding for INS' mandatory fee and fine accounts is provided at the following adjusted levels: Exams Fee (\$828.7 million), User Fee (\$517.8 million), Breached Bond/ Detention (\$116.9 million), and Land Border (\$6.6 million). This passback also supports the INS request to seek a \$1 increase in the User Fee for a total charge of \$7 for international air and sea travelers. The passback also recommends modified language that would charge cruise ship passengers \$3 to recover the costs associated with a limited inspection of these travelers, rather than lifting the exemption and charging the full cost

as sought in the past. In the FY 1999 passback we sought a review of the appropriate allocation of Exams Fee funds for support services. We are still awaiting the results of this review and would appreciate a schedule for completion.

Prisons

The FY 2000 budget continues the President's D.C. revitalization initiative that consolidates all D.C. sentenced felons within the Federal Prison system and begins to address prison overcrowding. The recommendation includes the following:

- **Items/Increases Funded:**
- **\$255 million in support of the D.C. Revitalization Initiative.** This includes \$34 million for 2,000 contract beds and BOP interim housing costs, \$185 million for two additional prisons (\$195 million less \$10 million appropriated in FY 1999 for mid-Atlantic construction) and \$36 million for other DC related construction projects.
- **\$47 million for 4,000 additional prison contract beds** to detain criminal aliens.
- **\$187 million in enhancements for prison construction and renovation:** \$137 million for a high security prison in the West, \$23 million for site and planning for two additional medium or high prisons (\$30 million less \$7 million appropriated in FY 1999 for Yazoo City) and \$27 million for prison repairs and renovations in addition to the base.
- **\$2 million in support of the drug treatment program in the Federal Prison System.**

Federal Bureau of Investigation

- **Items/Increases Funded**
- **\$14.3 million for Computer Crime Squads and CART forensic support (143 positions).** \$14.3 million is provided for computer crime squads and CART forensic support. This amount includes 12 new computer crime squads (an average of 5 agents, 2 investigative or technical support positions, and 2 clerical support per squad); the amount also includes funding for additional equipment for computer crime squads. Funds also are provided for 35 new field CART positions, which will ensure that each field office has computer forensic capability.
- **\$12.0 million for the National Infrastructure Protection Center (NIPC).** \$12 million is provided for the NIPC. No funds are to be used to reimburse detailees to the NIPC.
- **\$15.0 million for Telecommunications Carrier Compliance.** \$15 million for reimbursement of carriers and manufacturers for retrofitting digital equipment to allow

court-authorized wiretapping. Even with action by the FCC on the standards issue, uncertainties with the implementation of CALEA remain. If resources above the amount provided and the carryover balance of \$103 million prove to be necessary, the FBI should seek transfers of unobligated balances from other law enforcement and intelligence agencies, as authorized by law.

- \$10.1 million for analytical capability (56 positions). \$10.1 million is provided for enhanced analytical capability. This includes \$3.7 million for one Collection Management Officer in each field office, and \$6.4 million for requested non-personnel intelligence support.
- \$4.2 million for Data Network Interception (7 positions). \$4.2 million and 7 positions are provided to support the data network interception project.
- \$5 million for laboratory activation. \$5 million is provided for supplies and equipment related to activation of the new forensic laboratory at Quantico, Va.
- \$2.5 million for cryptanalysis capability (13 positions). The full requested amount, excluding export review positions, has been provided (based on revised modular costs). Funding has not been provided for the Technical Support Center.
- \$38.8 million for information sharing initiative. This provides full up-front funding for modules 3-6 of the initiative. None of the amount provided may be recurred. A funding request for the remaining modules of Phase 2 must be treated as an enhancement in the FY 2001 budget.
- \$9.0 million for Hazardous Devices School improvements. \$9 million is provided to construct improvements related to practical practice areas.
- Other Guidance. The fee for background checks for handgun purchasers will be re-proposed for FY 2000. These fees will eliminate the need for direct appropriations to the FBI to operate the NICS system.

Drug Enforcement Administration

- Items/Increases Funded
- \$13 million for FIREBIRD. \$13 million is provided for deployment of FIREBIRD, DEA's office automation system. This funding level is directed towards infrastructure improvement in order to increase productivity of DEA's current agent staffing.

Interagency Crime and Drug Enforcement

- **\$315 million for ICDE.** OMB accepts the Department's plan to redirect the funds in the ICDE appropriation to the direct budgets of the participating agencies. In addition, the participating agencies should allocate the following amounts within their base to ICDE: \$26 million for FBI; \$26 million for DEA; \$8 million for USA; and \$.6 million for INS. The reallocation reflects reported overburn in the accounts to ICDE. (Overburn is the amount of resources expended in support of OCDETF cases in excess of those reimbursed to agencies through the ICDE appropriation.)

State and Local Assistance/VCRTF

Justice Assistance, Juvenile Justice, COPS and OJP's VCRTF spending are detailed on attachment 1 and all suggested DOJ changes need to be approved by OMB. Total State and local assistance spending is \$2,859 million, which is \$2.0 billion below the 1999 enacted level. Total VCRTF spending for the Department is \$4.1 billion, which is the full amount authorized in the Balanced Budget Agreement. Attachment 2 shows the agency-by-agency breakout for VCRTF spending. The following programs are of particular interest to the Administration:

- **Items/Increases Funded**
- **\$172 million for Justice Assistance.** Includes increases of \$5 million for crime mapping to improve data-driven police management, \$4.8 million for ADAM, \$3.5 million for the international crime program and to improve investigative and forensic sciences, \$2 million each for tribal statistics and Census COLA increases, and ONDCP performance measures, \$1 million for Hate crime statistics, and \$5 million for M&A. In addition, an increase of \$22.2 million is provided in Byrne discretionary funding for the Crime Mapping/Community Data initiative (\$15 million) and alcohol and crime (\$7.2 million). Funding for family violence is included in VAWA. We are hopeful that the crime mapping and community data funding will be directed to those areas that continue to experience the most violent crime.
- **\$174 million for Counterterrorism.** Includes OJP base funding and the second year of the Chem/Bio initiative agreed to last summer. Attachment 1 shows the breakout.
- **\$289 million Juvenile Justice.** Includes \$4 million for research, evaluation and technical assistance and \$95 million to continue the At-Risk program, which includes \$10 million for drug demonstrations, \$10 million to reduce gun violence, \$2 million for the D.C. Offender Supervision Agency and Public Defender Service, and \$20 million for prevention programs on Indian lands.
- **\$300 million for Community Oriented Policing Services (COPS),** which includes \$45 million for Indians, \$30 million for Police Corps, of which, \$5 million is for Indians, \$25

million for bullet proof vests and \$19.6 million for the D.C. Offender Supervision Agency. The funding level also assumes continued funding for the safe-schools initiative.

- \$271 million for Violent Offender Incarceration (VOI). The total includes \$100 million for the Violent Offender Incarceration program. No funding is included for Truth-In-Sentencing grants, \$100 million for the State Criminal Alien Assistance Program, \$35 million for the Cooperative Agreement Program, \$34 million for Indians, and \$2.2 million for the D.C. Offender Supervision Agency.
- \$500 million for Reimbursements to States for Costs Associated with Incarcerating Criminal Illegal Aliens. The SCAAP program level (\$400 million) combined with the \$100 million provided from State Prison Grants, provides a total of \$500 million in FY 2000.
- \$283 million for Violence Against Women Programs. Includes \$1.4 million for D.C. Offender Supervision Agency.
- \$552 million for Byrne Law Enforcement Assistance. Within Byrne, \$70 million is provided for discretionary programs including \$15 million for community data improvement and \$7.2 million for the alcohol and crime initiative, and \$1.3 million for Hate Crimes and \$482 million is provided for Byrne formula grants, of which \$50 million is provided for drug testing and intervention, \$50 million is provided for prosecutorial grants and \$9 million is provided for the D.C. Offender Supervision Agency.
- \$34 million for the Office of Weed and Seed. We concur with the findings of the National Evaluation Report and believe that Weed and Seed should be more selective and concentrate resources on fewer sites.
- \$50 million for Prosecutorial Grants. The funding level includes \$7.7 million for the D.C. Offender Supervision Agency.
- State and Local Wireless Communications and Information Integration Initiative. \$100 million is provided for State and local law enforcement wireless communications and public safety information integration, of which \$25 million is for NTIA demonstration projects. The Wireless communications grants to States should be allocated proportionally based on State population. These programs are to be funded from a new analog spectrum lease fee on commercial broadcasters. Should the President's budget not include this fee, funding for these initiatives would be withdrawn.
- Items Not funded
- No funds are provided for the Local Law Enforcement Block Grant.

- No funds are provided for the Juvenile Justice Block Grant.

Other Justice Components

- **Items/Increases Funded**

- \$25 million for the Counterterrorism Fund to be available to reimburse Departmental components for extraordinary costs in countering, investigating, or prosecuting domestic or international terrorism.
- \$42.8 million for the Office of the Inspector General, which includes \$5 million in direct appropriations for reviews and evaluations of INS operations, previously funded by reimbursements from INS fee accounts.
- We are very concerned the US. Marshals Service is reporting an \$18.1 million personnel compensation shortfall at this late date and find it unacceptable that a shortfall of this magnitude has been allowed to develop. We have little choice but to ensure continuance of Marshals operations and, as a result, have fully funded the \$18.1 million as an enhancement in 2000.
- \$2.7 million program increase for the Civil Rights Division, including funds for housing testers.
- \$56.5 million for the initial JCON implementation, which was requested in the Legal Activities Office Automation account, should be funded through the Working Capital Fund and/or the Asset Forfeiture Fund Super Surplus. The JCON-related enhancements requested in the form of adjustments to base must be treated as program increases, should the Department fund them within the passback level.
- \$85 million is provided for Narrowband Communications, which includes restoration of base funding for radio replacement and requested non-personnel enhancements for narrowbanding activities. The amount for Narrowband Communications also includes the annualized costs for the Wireless Management Office approved by the Congress in the 1999 appropriation, and funded through the Assets Forfeiture Fund. These programs are also to be funded from a new analog spectrum lease fee on commercial broadcasters. Should the President's budget not include this fee, funding for these initiatives would be withdrawn.
- \$9.7 million for the Community Relations Service — the full request.
- \$27 million for the National Drug Intelligence Center.

- Passback assumes 15 percent growth in Hart-Scott-Rodino fee revenue, the same estimate used by the Antitrust Division, resulting in collections of \$116.0 million in 1999 and \$133.4 million in 2000.
- Items Not funded
- The passback does not fund the U.S. Attorneys' program increase for Debt Collection. Districts with high debt referrals should consider the Private Counsel Program for civil debt, which would free up resources to handle rising criminal debt cases. We are concerned that not enough USAOs are taking advantage of the Private Counsel Program.

Management Issues

- INS Account Structure. To address Congressional interest in ensuring accountability in INS enforcement and service responsibilities and as a next step in implementing the Administration's INS restructuring proposal, we recommend the 2000 President's Budget include three INS budget accounts: Enforcement and Border Affairs, Immigration Services, and Leadership and Support. In 1999, the Congress directed that the existing salaries and expenses appropriation be divided to conform to INS' two primary mission responsibilities. For 2000, the budget should include these accounts, retitled to reflect the Administration's restructuring plan, and the creation of a third account. The recommended Leadership and Support budget account would be a reimbursable account funded by the enforcement and service program accounts. We believe such a reimbursable funding approach will strengthen enforcement and service program operations by permitting them to "buy" necessary levels of support to meet mission needs. This approach will also ensure that shared support operations receive sufficient resources to provide priority centralized administrative support services effectively and efficiently. Success will be measured by customer satisfaction and through meeting performance standards established between the program accounts and support providers.
- Immigrant Benefit Cards. We continue to be concerned with the direction and management of INS' Border Crossing Card (BCC) and immigrant benefit card production capabilities. INS has concluded that current production capabilities are insufficient to meet demand. This is creating an applicant backlog and an unacceptable wait time for employment authorization documents, green cards and BCCs. We also understand costs are now estimated to exceed fee revenue, creating a drain on limited resources in the Exams Fee Account or a need for appropriated assistance. We believe neither of these funding options are acceptable. We expressed our concerns about the path INS was taking on in-house card production and optical technology to the Department and INS last February. While steps have been taken to reevaluate commercial card technology and in-house operations, no decisions have been made to change course. At this time, we recommend that INS begin immediately to migrate from optical card technology and

contract with commercial card production facilities to produce commercially available, secure immigration cards. We believe that card production is not an inherently governmental function and recommend that INS seek a commercial operation to assume control, and if possible, acquire INS current card production operations. We request that the Department submit a card production/technology migration plan to OMB no later than January 4, 1999.

- Naturalization Program Performance. We want to thank Department and INS staff for their efforts to create a monthly Immigration and Naturalization Benefits Processing Status Report. This report will serve the information needs of the Congress, Department and Executive Branch and help INS achieve its naturalization backlog reduction and process reengineering goals. The Director is interesting in reviewing monthly progress and this report will be included in OMB's management tracking system.
- Performance Measures. In the review of your budget request, selected key performance goals from your FY 2000 Annual Performance Plan were presented. These goals will be used to write the Government-Wide Performance Plan that is part of the President's Budget. Drafting of the government-wide plan will begin soon, and we will be contacting you on those goals we propose including in the government-wide plan. Every Departmental performance goal appearing in this government-wide plan must be included in the Department's annual plan sent to Congress. This passback is likely to affect certain performance goals. The Department should begin adjusting, as necessary, the target levels for these performance goals affected by the decisions on your budget request. Future appeals and decisions on those appeals may result in the need for further adjustment of these performance goals.

After reviewing the Department's annual performance, we have identified a number of areas where changes to the plan will significantly improve its quality and usefulness. First, while the program specific plans included in the budget submission do include FY 1999 goals and FY 1998 data, the Summary Plan does not, reducing the usefulness of the plan. In looking at data from previous years, DOJ also has an opportunity to take some credit for the drop in the crime rate. While there are problems in attribution, since most crime is prosecuted by state and local law enforcement, DOJ is spending billions of dollars and should at least reference its contribution to lowering the crime rate.

Secondly, target values for performance indicators are commonly missing. The FY 2000 performance goals often have a target value, but the indicators (which are the more extensive set of measures) generally omit any target values. While it may be true that for some goals, it is inappropriate to provide a target value, we believe DOJ can quantify more of its goals.

The third comment is that resources are not aligned to performance goals. As part of the budget submission, a more detailed allocation of resources has been submitted, but are

tied only to core functions, not performance goals. We recommend the Department align its resources with specific goals.

We will meet with your staff in the coming weeks to discuss these and other changes and outline which goals will be including in the government-wide plan.

- **Year 2000 Conversion.** While the Department is making noticeable progress towards Y2K conversion, it continues to be at too slow a pace to meet compliance deadlines. DOJ ranks at the bottom of Tier 2 agencies, and we are considering reclassifying DOJ as a Tier 1 agency.
 - 54% of mission critical systems are now compliant -- a significant increase, but there is still a long way to go. 89% of systems have been renovated, compared to a goal of 100% by October. Only 47% of systems have been implemented.
 - OMB is concerned that DOJ's contingency and continuity of business planning is not adequate.
 - 31 systems are now 2 months behind the Department's internal milestones. 11 systems have now been identified as not meeting the March 1999 deadline, up from 3 last quarter.
 - The ability to interoperate with other law enforcement partners is critical to the Department's mission, as a result, Justice should aggressively identify, remediate, and test all data exchanges to verify that they are Year 2000 compliant.
- **Wireless Communications.** We are pleased with the leadership role the Department has taken to manage bureau wireless communication initiatives. The creation of a Wireless Management Office to coordinate and oversee wireless communication and ensure interoperability and efficient use of law enforcement communication resources, including radio spectrum, supports the goals outlined in the FY 1999 passback and the direction of the Congress. Our support for this centralized oversight and management of wireless communication is reflected in the proposed enhancements in FY 2000. OMB is particularly supportive of the Department's efforts to examine shared infrastructure and frequencies, explore commercial alternatives to traditional land mobile radio solutions, and conduct pilot projects that test technical and operational approaches to address interoperability among different public safety organizations at all levels of government. We want to continue to work with the Department to ensure that all components are fully supporting this centralized management and coordination effort.
- **Intra-Governmental Eliminations.** We recommend that the Department of Justice take concrete steps to identify, report, and reconcile transactions with other Federal entities properly. At a minimum, the Department should work directly with the Financial Management Service of the Department of the Treasury to participate actively in the Intra-Governmental Transfers Advisory Board.

- **Computer Security.** DOJ shall review the effectiveness of its automated information security programs as part of the vulnerability assessments conducted pursuant to Presidential Decision Directive 63, Critical Infrastructure Protection. Security programs shall comply with guidance provided in OMB Circular A-130, Appendix III, Security of Federal Automated Information Resources.

**Attachment 1: Office of Justice Program -- Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)**

	1999 Budget	1999 Enacted	ATB Increases	Program Increases	Request	2000 Rec.
Justice Assistance Programs:						
Research, Evaluation and Demonstration (NIJ).....	57	46	0	0	46	46
<i>Law Enforcement Technology Network</i>	[15]	[10]	0	0	[10]	[10]
<i>DNA Technology R&D program</i>	[5]	[5]	0	0	[5]	[5]
Community Data for Community Safety (\$5 in JA and \$15 in Byrne).....	0	0	0	25	25	5
Arrestee Drug Abuse Monitoring System.....	0	0	0	5	5	5
Family Violence Research (funded in VAWA).....	0	0	0	5	5	0
Prisons At Work Demonstration Program	0	0	0	6	6	0
Advance Law Enforcement Technology.....	0	0	0	5	5	0
International Crime/Forensic Sciences.....	0	0	0	4	4	4
Criminal Justice Statistics Programs (BJS)	27	25	0	0	25	25
Tribal Statistics	0	0	0	2	2	2
Cola	0	0	2	0	2	2
Cyber Crime.....	0	0	0	0	0	0
ONDCP Performance Measures	0	0	0	3	3	2
Hate Crime Statistics	0	0	0	1	1	1
National Sexual Offender Registry (Moved to VCRTF: Brady Acct.)	0	0	0	0	0	0
Missing Children.....	12	17	0	0	17	17
Regional Information Sharing System	20	20	0	0	20	20
White Collar Crime.....	5	7	0	5	12	7
Terrorism Training.....	2	0	0	0	0	0
Community Justice.....	0	0	0	6	6	0
Emergency Assistance	0	0	0	3	3	0
Community Demonstration on Alcohol and Crime (funded in Byrne).....	0	0	0	7	7	0
Public Safety Telecommunications/Information Integration	0	0	0	117	117	100
Indian Block Grant (COPS).....	0	0	0	54	54	0
Chemical/Biological Weapons Programs	145	0	0	0	0	0
Management and Administration.....	39	32	7	3	42	36
Subtotal.....	307	147	9	251	407	272
Juvenile Justice:						
Formula Grants	89	89	0	0	89	89
Discretionary Grants	45	43	0	10	53	43
IJ Delinquency Block Grant	0	0	0	0	0	0
Research/Evaluation/Training/Technical Assistance	19	0	0	4	4	4
Youth Gangs	0	12	0	0	12	12
State Challenge Activities	0	10	0	0	10	10
Juvenile Mentoring	0	12	0	0	12	12
Incentive Grants to Prevent Juvenile Crime	17	95	0	0	95	95
Safe Schools Initiative	0	[15]	0	0	0	0
Indian Tribal Grants Program	6	[10]	0	0	0	[20]
Gun Violence Reduction Program	0	0	0	0	0	[10]
D.C. Courts	0	0	0	0	0	[5]
Drug Prevention Program	0	0	0	0	0	[10]
Anti-trafficking, School Violence Prevention	95	0	0	0	0	0
Drug Prevention Program.....	[5]	10	0	(10)	0	10
Combating Underage Drinking	0	[25]	0	0	0	0
Victims of Child Abuse Program	7	7	0	0	7	7
Management and Administration	0	6	0	0	7	7
Subtotal, Juvenile Justice	278	284	0	4	289	289

**Attachment 1: Office of Justice Program – Funding
State and Local Law Enforcement Assistance Programs
(In millions of dollars)**

	1999 Budget	1999 Enacted	ATB Increases	Program Increases	Request	2000 Rec.
State and Local Law Enforcement Assistance (direct)						
Byrne Grants (discretionary).....	0	47	0	(47)	0	0
<i>National District Attorney (earmark)</i>	0	[5]	0	0	0	0
Byrne Grants (formula)	0	505	0	(505)	0	0
Subtotal, State and Local Law Enforcement	0	552	0	(552)	0	0
Crime Fund Programs:						
Comprehensive Drug Intervention Program.....	85	0	0	0	0	0
At-risk Juvenile Crime Prevention	0	0	0	0	0	0
Res. Substance Abuse Treatment For State Prisoners.....	72	63	0	9	72	63
Violence Against Women:						
Grants To Combat Violence Against Women	201	207	0	0	207	207
<i>Civil Legal Assistance</i>	0	[18]	0	0	0	[18]
<i>National Institute of Justice</i>	0	[5]	0	0	0	[5]
<i>DC Superior Court Domestic Violence</i>	0	[1]	0	0	0	[1]
<i>OJJDP Safe Start Program</i>	[10]	[10]	0	0	0	[10]
<i>Family Violence Research Program</i>	0	0	0	0	0	[5]
Grants To Encourage Arrest Policies.....	30	34	0	16	50	34
Rural Domestic Violence Enforcement.....	25	25	0	0	25	25
Victims of Child Abuse Grants:						
Court-Appointed Special Advocate Program.....	7	9	0	0	9	9
Training for Judicial Personnel & Practitioners.....	5	5	0	1	6	5
Grants for Televised Testimony.....	1	1	0	0	1	1
National Stalker & Domestic Violence Reduction.....	0	0	0	0	0	0
Victims Counselors.....	0	0	0	0	0	0
Training Programs.....	2	2	0	0	2	2
Subtotal, Violence Against Women Programs	271	283	0	17	300	283
Weed and Seed	40	0	0	10	44	34
Drug Abuse Prevention Demonstration Program	5	0	0	20	20	0
Missing Alzheimer's Grants.....	1	1	0	0	1	1
Terrorism Act:						
Firefighter & Emergency Services Training.....	5	0	0	0	0	0
Foreign Assistance in Counterterrorism Technology.....	0	0	0	0	0	0
R&D in Counterterrorism Technology.....	0	0	0	0	0	0
Byrne Grant—Anti-Terrorism Training Programs.....	10	0	0	0	0	0
State & Local Block Grant.....	0	523	0	(53)	470	0
<i>Boys and Girls Club</i>	0	[40]	0	0	0	0
<i>Law Enforcement Technology</i>	0	[20]	0	0	0	0
Prosecutor Grant Program	100	0	0	100	0	50
<i>D.C. Offender Supervision Agency</i>	0	0	0	0	0	[8]
Community Prosecutors.....	50	0	0	50	50	50
Juvenile Justice Block Grant Program.....	0	250	0	0	250	0
Brady Handgun Violence Prevention.....	45	45	0	0	45	45
Byrne Grant Program:						
Byrne Formula Grant	505	0	0	510	510	482
<i>Drug Testing and Intervention</i>	0	0	0	0	0	[50]
<i>Prosecutorial Grants</i>	0	0	0	0	0	[50]
<i>D.C. Offender Supervision Agency</i>	0	0	0	0	0	[9]
Discretionary (Data Demo \$15 m, Alcohol \$7.2 m, Hate Crimes \$1.....	47	0	0	47	48	70
Incarceration of Undocumented Criminal Aliens.....	350	420	0	(70)	350	400
State Courts Assistance.....	60	5	0	0	5	5
Drug Courts.....	30	40	0	0	40	40

**Attachment 1: Office of Justice Program – Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)**

	1999 Budget	1999 Enacted	ATB Increases	Program Increases	Request	2000 Rec.
Violent Offender Incarceration Grants.....	711	720	0	11	731	271
General Prison Construction	[484]	[496]	0	[-15]	[481]	[100]
Cooperative Agreement Program	[25]	[25]	0	[50]	[50]	[35]
Indian Country Earmark	[52]	[34]	0	[18]	[52]	[34]
District of Columbia	0	0	0	0	0	[2]
State Criminal Alien Assistance Program	[150]	[165]	0	[-15]	[150]	[100]
Law Enforcement Family Support.....	2	2	0	0	2	2
DNA Identification State Grants.....	15	15	0	10	25	20
Tuberculosis in Prison.....	1	0	0	0	0	0
Other Law Enforcement - Federal:						
Motor Vehicle Theft Protection.....	2	1	0	1	1	2
Senior Citizen Marketing Scams.....	2	2	0	0	2	2
Presidential Summit on Crime.....	0	0	0	0	0	0
Subtotal, Crime Fund Programs	2,409	2,370	0	662	2,966	1,820
Weed and Seed Program	0	34	0	0	0	0
Public Safety Officers Benefits Program:	0	0	0	4	4	4
Community Oriented Policing Services (COPS)						
Community Policing.....	1,400	1,400	0	(1,132)	268	270
Police Corps.....	20	30	0	0	30	30
Police Scholarship Program.....	0	0	0	20	20	0
Police Recruitment.....	0	0	0	7	7	0
Subtotal, COPS.....	1,420	1,430	0	(1,105)	325	300
Counterterrorism Programs						
First Responder Equipment	0	76	0	0	88	88
Firefighter and Emergency Personnel Training	0	5	0	0	5	5
Technical Assistance	0	3	0	0	10	10
First Responder Law Enforcement Training	0	0	0	0	9	9
Firefighter and Emergency Equipment	0	20	0	0	0	0
Consortium Members	0	16	0	0	7	7
Situational Training Exercises	0	4	0	0	0	0
Counterterrorism Research Program	0	10	0	0	15	10
Bomb Technician Equipment (included in Working Capital Fund).....	0	25	0	0	0	0
First Responder Training NDPC	0	2	0	0	49	45
Subtotal, Counterterrorism	0	[160]	0	0	183	174
Total, State and Local Assistance Programs	4,414	4,817	9	(736)	4,173	2,859

ATTACHMENT 2: VIOLENT CRIME REDUCTION TRUST FUND
(In millions of dollars)

Agency/Programs	1997	1998	1999	1999	2000
	Enacted	Enacted	Budget	Enacted	Recmd.
DEPARTMENT OF JUSTICE					
General Administration (GA).....	0	0	0	0	0
Administrative Review and Appeals.....	48	59	65	59	59
Community Oriented Policing Services (COPS).....	1,420	1,430	1,420	1,430	300
General Legal Activities (GLA).....	8	8	8	8	8
U.S. Attorneys (USA).....	44	63	54	81	57
U.S. Marshals Service (USMS).....	25	26	26	26	26
Federal Bureau of Investigation (FBI).....	169	179	311	223	418
Drug Enforcement Administration.....	220	404	405	405	543
Immigration and Naturalization Service (INS).....	500	607	739	843	891
Bureau of Prisons (BOP).....	25	26	27	27	27
Office of Justice Programs (OJP).....	<u>2,036</u>	<u>2,383</u>	<u>2,409</u>	<u>2,371</u>	<u>1,820</u>
Total, Department of Justice.....	4,495	5,185	5,464	5,473	4,149
HEALTH & HUMAN SERVICES					
Public Health Service (PHS).....	41	51	51	51	51
Administration for Children & Families (ACF).....	20	93	93	102	102
Total, HHS.....	61	144	144	153	153
JUDICIARY.....	30	40	60	42	66
TREASURY.....	97	131	132	132	132
TOTAL, CRIME CONTROL ACT.....	4,683	5,500	5,800	5,800	4,500



Office of the Attorney General
Washington, D. C. 20530

December 4, 1998

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, DC 20503

Dear Jack:

I appreciate the support that the Office of Management and Budget (OMB) has demonstrated in its Passback to the Department of Justice's (DOJ) 2000 budget request. OMB funded a number of important enhancements in its Passback; most notably providing critical resources for the Bureau of Prisons (BOP), Federal Bureau of Investigation (FBI), and the Immigration and Naturalization Service (INS). Still, I believe that additional resources above the Passback funding level are essential to our efforts to adequately address the law enforcement requirements that challenge this Department. In this letter, I ask for OMB's consideration of our most significant needs not funded by the OMB Passback.

The Department's 2000 request to OMB for discretionary funds, when adjusted for action by Congress on the President's 1999 budget, is \$21.0 billion. OMB's Passback is \$17.0 billion. The items included in this appeal total \$1.3 billion, for a total of \$18.3 billion.

I am well aware that the commitment to a balanced budget makes funding scarce, but I believe strongly that these appeal items warrant additional consideration by OMB and the President. Without further funding, the President's 2000 budget to Congress will fail to address several critical needs, such as federal prisoner detention, overcrowded prisons, and efforts to counter cybercrime. It will also miss the opportunity to capitalize on many ongoing initiatives, such as automation of intelligence information related to many categories of cases such as drugs and white collar crime. Even worse, we will have to cut existing anti-crime and antiterrorist initiatives.

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Furthermore, the appeal items requested in this letter are consistent with priorities established by the President over the past 6 years, during which time we have made tremendous progress in developing and implementing a comprehensive anti-crime strategy for the nation. Our efforts have resulted in undeniable successes, including: the longest duration of violent crime reduction in a generation; a record level of illegal alien removals; the capacity to house a record number of prison inmates; and tangible enforcement along many stretches of the Southwest border. At each step of the way, OMB's support has been instrumental in securing the resources that have enabled us to make these substantial strides.

This appeal letter is structured around the following 12 themes: Base Reduction, Incarceration, Counterterrorism, Cybercrime, Drug Enforcement, Immigration, State and Local Assistance, Intelligence and Investigative Support, Infrastructure, and Litigation, Pay Reform and Other Legislative Matters, and Additional DOJ Appeal Issues. The enclosures provide details on specific appeal items by Department component.

Base Reduction. I am very distressed about the departmentwide funding reductions for such items as GSA rent and FTS costs. The failure of OMB to fully fund the adjustments to base (ATB) poses a substantial dilemma for the Department. I strongly encourage you to approve my ATB restoration appeal of \$109.3 million. The impact of the ATB reduction on the Department includes the following examples.

The reduced level of ATBs could require the FBI to eliminate up to 493 positions, including 20 agents and 286 support positions. The loss of these positions would affect all FBI investigative programs, including counterintelligence, counterterrorism, organized crime and drug trafficking, white-collar crime, and violent crime. Absorption of the ATBs could force the FBI to reduce its assistance to state and local law enforcement in combating violent crimes, allow cases to go unaddressed due to lack of investigative resources, and reduce its proactive stance of preventing crimes. Any reduction in FBI agent positions will also affect the FBI Academy, as fewer agents will be hired and trained to replace those separating from service due to retirement or other causes.

If the General Legal Activities (GLA) are required to absorb the ATB cuts, most of the headquarters litigating divisions would be left with no alternative other than to reduce staffing levels. For the GLA components that indicate the need to adopt this approach (specifically, the Tax, Criminal, Environment and Civil

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Rights Divisions, and the Office of Solicitor General), this could amount to an estimated reduction of 50 workyears. Those components that indicate the ability to absorb base cuts through non-salary reductions include the Civil Division, which could do so at the expense of what limited automated litigation support (ALS) resources it has to devote to newly-emerging cases, such as the spent-fuel cases that are anticipated resulting from claims that the Department of Energy took actions that harmed nuclear power companies. Damages in these cases alone could exceed \$50 billion, and ALS resources are needed to reach desired outcomes. Also, accounts such as Interpol and the Legal Activities Office Automation fund could reduce planned obligations for automation enhancements, which would delay implementation of much needed equipment and software upgrades.

The Office of Justice Programs (OJP) could be forced to reduce an estimated 20 workyears to cover the GSA rent costs. As a result, new program efforts would greatly suffer, since there is no surplus of FTE's in OJP to divert to new programs.

Finally, I am also appealing for restoration of \$113.2 million in the Bureau of Prisons (BOP) base funds. At a time when the BOP is experiencing an unprecedented population increase, I am alarmed that the Passback does not include this restoration. BOP saw the largest population increase in its history in 1998 -- over 10,000 inmates. BOP anticipates that this trend will continue, with an increase of 19,000 inmates by the end of FY 2000.

BOP reduced its authority by 760 positions and \$38 million in 1999, and the 2000 request includes a \$16 million reduction from per capita savings. Further base reductions will affect staffing and result in severe inmate management problems as inmate to staff ratio increases.

Incarceration. The success of our agents, investigators, and prosecutors at solving crimes, arresting suspects, and trying cases has led to a rapid increase in federal jail and prison inmate populations. As a result, the Bureau of Prisons (BOP) and U.S. Marshals Service (USMS) cannot effectively manage with the resources available to them.

USMS has almost no control over the number of prisoners remanded to its custody. The number of federal prisoners has increased annually by an average of 13 percent the past decade, and by even more the past few years since the passage of the 1994 Crime Bill and the recent growth in federal agents. Most USMS prisoners are housed in local jails, and USMS needs

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sufficient funding to pay for these beds in the Federal Prisoner Detention account. Passback resources are not adequate to cover the anticipated FY 2000 need.

The Passback did not earmark funds for prison activation, nor make such funds available within the overall funding provided by OMB. The appeal includes resources for BOP to activate 1 medium security facility and camp, 3 detention centers, and 1 other camp. Given the recent population increases and the current overcrowding of 27 percent systemwide and 50 percent at medium security facilities, funding to activate these new facilities is especially critical. For example, if the medium security facility in Victorville, California, is not activated in FY 2000, medium security crowding in BOP's Western region will rise to 205 percent over capacity. Such severe overcrowding is unacceptable, and the 3 detention facilities will provide much needed detention bedspace.

To further reduce future overcrowding at medium security facilities and to house future inmate population increases, I am appealing for site and planning funding for 1 medium facility in BOP's Western Region. The construction of this capacity is critical for the safety of staff, inmates, and surrounding communities. In addition, the appeal includes site and planning for 3 facilities for INS non-returnable detainees. Transferring these detainees from INS to secure BOP facilities is an important priority. The OMB Passback funded additional contract beds for BOP to take lower security INS non-returnables, but did nothing to fund construction to house INS' more dangerous detainees. Site and planning for construction must begin in 2000 to ensure sufficient capacity exists at medium and high security levels to transfer these dangerous detainees who are not in suitable facilities today, while avoiding further overcrowding in BOP facilities.

I am also concerned that the D.C. Corrections Trustee may not have enough funding to cover the costs of housing D.C. inmates in FY 2000. Until the BOP facilities constructed as part of the D.C. initiative are activated in 2001, BOP may require reimbursement from the Trustee for any medium and high security D.C. inmates housed in its facilities over and above the 500 D.C. inmates already funded in its base.

Counterterrorism. Recent events demonstrate clearly the critical need for a swift and comprehensive response to acts of terrorism committed against U.S. citizens, both domestically and abroad. The Department is committed to building the infrastructure required for the prevention and investigation of potential terrorist activities, as well as the resources to aggressively

The Honorable Jacob J. Lew

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pursue individuals and organizations that promote and engage in terrorism.

The Administration is very concerned about potential terrorists use of chemical and biological weapons. The Criminal Division is heavily involved in planning and coordinating training exercises as well as providing Department oversight of FBI investigations and the subsequent prosecution of terrorist incidents. The Division has already reprioritized and shifted resources to cope with this increased workload. It isn't enough. Another 7 positions are required.

To ensure that our communities are adequately prepared to handle potential terrorist threats, I am appealing for resources to implement a National Domestic Preparedness Office (NDPO), which was not part of our original request to OMB. The NDPO is being established in response to recommendations by state and local emergency response planners and practitioners. These emergency management professionals identified the need for a single office to coordinate the numerous preparedness efforts for first responders. The NDPO will serve as a clearinghouse for information and training programs and as a hub for the development of other national assistance initiatives. The Department is finalizing the blueprint for the NDPO that will identify in detail the mission, goals, and milestones for each of the following functions: planning; training; equipment/R&D; exercises; and outreach. The FBI intends to staff the NDPO using existing resources. We estimate that \$8.4 million will be required for operational costs of the office in FY 2000. The Department is willing to offset partially this amount with \$1.5 million that is currently in the FBI base for state and local agency participation in the FBI Counterterrorism Center. We will work with your staff as final details for this office are determined.

Also in my appeal for counterterrorism are FBI requests for: computer based digital collection systems; Legal Attache offices; latent fingerprint technology; and Mitochondrial DNA research and development.

Cybercrime. As globalization encroaches upon more and more aspects of our Nation's communities and businesses, the Department finds its role combating international criminal activity proliferating. In order to enforce and protect the United States and its citizens in a world economy, we need to ensure that sufficient resources are in place for the Department to react to the wide range of international crimes that arise,

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including: drug trafficking, terrorism, alien and contraband smuggling, fraud, extortion, money laundering, bribery, economic espionage, intellectual property theft, and counterfeiting.

I need more attorneys in the Criminal Division to address cybercrime. As you know, infrastructure protection was the subject of a recent Presidential Commission Report. Essentially, the information networks that the nation depends upon have become extremely complex and interdependent in ways not fully understood. Critical systems have proven vulnerable time and again. The Criminal Division's Computer Crime and Intellectual Property Section (CCIPS) is a lead organization in efforts to protect network infrastructure and to combat computer crime. As a result, CCIPS has experienced and continues to experience significant workload increases. For example, the Section is working to enhance responsiveness to cyberattacks against the National Information Infrastructure. The Section is also responsible for training attorneys and agents on rapidly changing technologies to deal with increasingly innovative criminals. The Division simply cannot continue to divert base resources without curtailing other critical functions.

CCIPS works closely with the U.S. Attorneys offices across the nation that investigate and prosecute criminal violations involving the use of computers. I am appealing for additional funding for the U.S. Attorneys to enhance the attention given to such crimes as the on-line transmission of child pornography; computer intrusions by hackers; and other criminal conduct involving such activities as embezzlement, misuse of telecommunications systems, theft of copyrighted works, and the creation of fraudulent documents.

Drug Enforcement. The fight against drug use and trafficking continues to be one of the Department's most formidable challenges. The violence, social disruption, and enormous health costs associated with drug abuse continue to have a devastating impact in our country. I can assure you, though, that we are pursuing a comprehensive and balanced approach toward drug enforcement; and our drug enforcement investments are responsibly being committed toward reducing the availability of drugs and illicit drug use. I believe that the following appeals are needed to send the appropriate message to those that threaten our cities and our children with illegal drugs.

The Department's Criminal Division has a critical role supporting Drug Enforcement Administration's (DEA) Special Operations Division, which is an interagency team responsible for the most complex, highly classified projects. The Division helps coordinate activities and deals with the increased demands for

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intelligence information, which often require expedited Title III wiretaps. Indeed, FY 1998 resulted in a record year for wiretap requests. As an illustration of the increasing workload, in just one month, five new multi-agency, multi-district investigations were activated. The increased workload created by narcotics investigations has put excruciating staffing demands on the Criminal Division. In short, without additional staffing for drug-related activities, the Criminal Division will be unable to keep pace with the growing demands on its resources, which will seriously undermine the collaborative efforts to fight the war on drugs.

The Department's appeal includes an increase for the DEA to strengthen its ability to fight drug trafficking and its related violence. Resources are required for DEA's Regional Enforcement Teams (RETs) to combat national and international drug trafficking organizations at the regional level, with joint participation from DEA, FBI, U.S. Attorneys, Criminal Division, and the INS. Resources are also needed for the expansion of DEA's Special Operations Division by adding a Telecommunications Section for managing DEA's national intercept program and special funds to utilize applied technologies for exploiting trafficker communications.

The Department's Drug Control Strategy specifically identifies the important role played by the U.S. Attorneys in curbing illicit drug use and production. I am appealing for resources in 2000 that will enable the U.S. Attorneys to continue providing support and leadership to state and local governments in their drug enforcement efforts. As the chief federal law enforcement officers in their districts, the U.S. Attorneys work with state and local law enforcement agencies to develop and coordinate threat assessments. Based upon these assessments, the U.S. Attorneys are developing and implementing local drug strategies to address the particular threats and needs facing their communities. Of course, increased resources for the U.S. Attorneys will also result in more drug prosecutions.

Immigration. As you know, one of the Department's greatest challenges over the last 6 years has been our efforts to regain the physical integrity of the Nation's borders by stemming the flow of illegal migrants. With OMB's support, we have been able to acquire substantial resources to address our enforcement duties at the border. At the same time, we have worked vigorously to improve the flow of lawful commerce and passage of travelers and improve delivering immigration benefits and services to those who are entitled. However, we cannot allow our

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attention to slip at this time. More resources are still needed to address our immigration challenges. My appeal addresses those areas where we cannot let up.

Since 1994, the Department and the INS have worked in concert with the Administration to achieve considerable success in fulfilling our immigration responsibilities. By aggressively implementing a coordinated Border Management initiative, most notably doubling the size of the Border Patrol, we have succeeded in establishing the rule of law along the Southwest border. Equally important have been our on-going efforts to re-engineer the processes by which legal immigrants apply for, and receive, benefits.

We can point to many achievements associated with our border enforcement strategy. However, our job is not yet finished. INS has achieved its border control objectives in some of the most difficult-to-manage locations along the border -- most notably the San Diego and El Paso Sectors. I want to implement this successful model in other areas of the border. The considerable level of Passback funding for border technology to detect and deter intrusions will be a great asset in our border enforcement efforts and is much appreciated. However, still a greater human presence is required along the front lines to catch and deter illegal entry, and curtail drug smuggling activities along the border. I appeal for 500 additional Border Patrol agents, and for their accompanying support staff.

Although the Passback included resources for additional Inspectors, the funding level supports only half of the positions identified in the Passback. Therefore, I appeal for \$4.6 million, which will enable us to hire the 87 new Inspectors originally requested.

Alien smugglers, who employ sophisticated strategies to outmaneuver the front lines of deterrence, continue to present a challenge to our agents in the field. To counter the efforts of alien smugglers, I appeal for 134 positions and \$18.2 million to augment the INS National Anti-Smuggling Strategy. These resources are vital to our overall enforcement efforts because, as important as it is to stop violators at the borders, it is equally important to disrupt, disband, and prosecute the smuggling rings that thwart our laws and pose danger to the aliens themselves.

The availability of detention beds also is essential to the success of deterring illegal entries and removing illegal aliens. We must have adequate detention space to house illegal aliens. Action on the Department's FY 1998 budget reduced appropriated

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base detention program resources and directed that certain activities be funded by the Breached Bond/Detention Fund. This fund's primary source of revenue was the penalty paid by aliens who adjusted their status under Immigration and Nationality Act section 245(i). However, this penalty no longer exists, and the revenue stream to the Breached Bond/Detention Fund has been considerably reduced. Therefore, the Breached Bond/Detention Fund cannot support the level of base detention program requirements in FY 2000 that Congress has provided in 1999. The funding simply isn't available in this account. Therefore, I appeal for \$54.7 million to support base detention program requirements. This request will allow us to maintain the current number of funded detention beds.

In FY 2000, we will transfer 1,000 of INS' non-returnable alien population to the Bureau of Prisons. This transfer will free up detention beds, which will then turn-over with frequency as these beds will not be occupied by detainees for an extended period of time. Costs are incurred with bedspace turnover. Such costs include transportation, detention, and welfare for which I am appealing for funds. Additionally, \$8 million is sought on appeal for the Justice Prisoner and Alien Transportation System (JPATS) for increased alien movements.

Because of the increasing deployment of technology to the field, which has given all INS employees access to any number of databases, and because of the increasing number of staff on contract to the INS, Justice Data Center (JDC) traffic has increased significantly. With this increased traffic comes costs that are unavoidable, unless system access is curtailed. I appeal for \$17.5 million to cover the unfunded costs of JDC use.

I am also requesting that the Immigration User Fee increase from \$6 to \$7, supported by OMB in the 2000 Passback, instead be increased by \$2 in FY 2000. Additionally, I request that a \$3 fee be assessed to cruiseline passengers. The User Fee has not been raised in several years. These fee increases will support an increase cost of service, and program enhancements for which anticipated revenues will not support, and will help offset the Inspector portion of the Pay Reform Package included with this appeal.

To support this immigration initiative, the Executive Office for Immigration Review (EOIR) requires additional resources to address increased workload levels generated by the increased enforcement resources. Specifically, I am appealing for 43 positions and \$3.3 million.

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State and Local Assistance. Directly assisting state and local law enforcement is, without a doubt, one of the most important roles of the Department. Given that most of the Nation's crime fighting is accomplished by state and local law enforcement, the Department must provide the technical expertise, community services, and crime fighting resources needed for them to succeed on the front lines.

Therefore, I am particularly concerned that the Administration is proposing a user fee for the FBI's cost of performing National Instant Criminal Background Check System (NICS) services rather than directly funding the system. As you will recall, the Senate voted decisively, 69 to 31, to prohibit user fees for NICS services. The recently enacted FY 1999 Omnibus Appropriations Act included such a prohibition against user fees and further directed that the Department include funding for the operations of the NICS in the 2000 budget submission. I am, therefore, appealing for \$51.6 million for the FBI's costs for NICS in FY 2000 and \$50.2 million to continue providing a subsidy to State Points of Contact.

Establishment of the Federal Convicted Offenders (FCO) DNA Database will enhance the Nation's ability to solve violent crimes. DNA technology affords the forensic scientist the ability to eliminate falsely accused individuals and to narrow the number of potential suspects. So valuable is this technology that every state in the country has now passed legislation that requires certain convicted offenders to provide DNA samples. Without the funding requested for this system, recidivism among released federal offenders will not be detected. Also, we want to implement FBI LABNET, a part of the Criminal Justice Information Service Wide Area Network, which was not part of our request to OMB. LABNET connectivity will improve the delivery of services to our state and local partners and allow them to use FBI databases to facilitate their own forensic examinations. We are proposing to offset the funds required for the FCO DNA Database and LABNET with \$9.5 million available in the FBI base, currently designated for State Identification System formula grants.

This appeal also includes funding for the FBI regional laboratory program. This program will allow the FBI to enter into cooperative agreements and contracts with universities, national laboratories, and private research laboratories to provide access to highly specialized capabilities in support of law enforcement investigations. Oftentimes, law enforcement requires specialized testing and analyses that are not available through existing crime laboratories. Additionally, the FBI will apply funding towards establishing a network of laboratories that

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can assist in the timely evaluation and analysis of chemical, biological, and other hazardous materials that cannot be handled safely in crime laboratories.

The Passback provides \$100 million in un-earmarked funding for the Correctional Facilities Grant Program. This level of funding is insufficient to provide a substantial level of assistance to states for the construction of prisons. The Passback also provides \$50 million for a Juvenile Prosecutorial Initiative (and a \$50 million earmark in the Byrne Formula Grant program for a total of \$100 million). Given that we have already included \$50 million for the Community Prosecutors Program (which Congress supported as an earmark in 1999), we do not believe that we should include \$100 million for a second prosecutors program in the 2000 budget. This is especially true given that Congress turned down the exact same request last year. In addition, the Passback includes a \$700,000 increase for the Motor Vehicle Theft Prevention program; however, I am not aware of any compelling need for additional funding for this program. Therefore, in this appeal I propose that funding for these programs be eliminated, and the resulting \$150.7 million be redirected to fund other important initiatives within the Department.

We propose spending this redirected funding in the following manner: (1) \$85 million to fund the Drug Testing Intervention Initiative as a discretionary program; (2) \$5 million for the National White Collar Crime Center; (3) 2 positions and \$10 million to expand the Weed & Seed program by 25 sites; (4) \$5 million for an evaluation of the Byrne Formula Grant program; (5) \$2 million to fund other Department needs in General Administration; and (6) \$40 million to address the D.C. Offender Supervision earmarks discussed below.

The Passback provides funding for the Drug Testing Intervention initiative, the Juvenile Prosecutorial Initiative, and D.C. Offender Supervision as earmarks within the Byrne Formula Grant program. As I mentioned above, I do not believe that the Prosecutorial Initiative is needed, and this appeal proposes direct funding for the Drug Testing Intervention initiative. Therefore, I believe that these earmarks can be eliminated, and funding restored for Byrne Formula Grants.

In addition, I do not believe that it is appropriate to earmark funds within the Department's grant programs for the ongoing operations of the D.C. Offender Supervision Agency; I believe that this Agency's programs should be funded directly out of the D.C. Appropriation. Therefore, I am proposing that the D.C. related earmarks in the Byrne Formula Grant program, the COPS Hiring Program, the Violence Against Women Act programs, the

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Correctional Facilities Grant program and the Prosecutorial Grants program be eliminated. These earmarks total \$39.9 million. I am appealing that the \$39.9 million for these programs be taken from the Office of Justice Program's (OJP) budget and reallocated to the D.C. Court Services and Offender Supervision budget.

I appreciate the support shown in the Passback for the domestic preparedness efforts of OJP's Office of State and Local Domestic Preparedness Support. While I agree with the total funding provided in the Passback for these efforts, I am appealing that funding be slightly redistributed among the individual programs to provide additional funding for the Center for Domestic Preparedness (CDP) at Fort McClellan, Alabama. FY 2000 will be the first year that the Department is fully responsible for the operations and maintenance of its training facilities at Fort McClellan, following the formal closure of the base by the U.S. Army on September 30, 1999. Now that we have been informed that the National Guard will not maintain the facilities as we thought it would, there will be substantial increases in the operating costs associated with the CDP. Therefore, I propose that the Technical Assistance and Equipment Acquisition programs be reduced by \$4 million and \$6 million apiece, and that these funds be provided, instead, to fund operations of the CDP. In addition, OJP will require 7 positions and 4 FTE to meet the personnel requirements associated with the transition of Fort McClellan to OJP control, and to allow OJP to provide detailees to the proposed National Domestic Preparedness Office.

I am appealing that the unearmarked portion (\$159,701,000) of the Community Oriented Policing Services (COPS) appropriation be redirected to fund a new grant program authorized under the Crime Identification Technology Act (the DeWine bill) that will provide grants to states for the improvement of criminal justice technology. The COPS Office anticipates that it will fund over 100,000 police officers by the end of 1999, reaching the President's goal one year earlier than initially expected. The COPS hiring programs have helped to improve policing practices by promoting community policing. It is now important that we encourage effective law enforcement by promoting the use of coordinated, advanced criminal justice technology.

On October 9, 1998, the President signed the DeWine bill. This legislation authorizes \$1,250,000,000 in grant funding to states over the next 5 years to upgrade communications technologies and criminal justice identification systems. Funding may be used by states for a wide variety of purposes, including programs to establish, develop, or upgrade automated

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fingerprint identification systems; programs and systems to facilitate full participation in the Interstate Identification Index (III); and programs to improve the capabilities of forensic science and medical examiner programs. Grants must be used to fund systems that are compatible with national systems, such as the FBI's Integrated Automated Fingerprint Identification System (IAFIS) and the National Incident-Based Reporting System (NIBRS). Initiatives funded through this grant program must also promote integrated approaches between state and local governments and state and local courts. Technology has significantly enhanced law enforcement's ability to investigate and prevent crime, but we are far from having fully integrated and standardized systems at all levels of law enforcement. This program, which has received strong, bipartisan support, will help to promote compatibility and consistent standards among the law enforcement community.

Intelligence and Investigative Support. Credible intelligence gathering and investigative support capabilities are at the core of all effective law enforcement efforts. However, as we have been strengthening our intelligence and investigative capabilities over the past 6 years, the criminally-minded have also been seeking out and finding more sophisticated methods to conduct their illegal activities. To continue applying the sophisticated practices needed to apprehend and prosecute tomorrow's criminal threats, we need to maintain our commitment to vital intelligence activities and investigative support.

I appreciate your support of our request for 12 new FBI field computer crime squads to address intrusions and computer facilitated crimes, along with the 35 field Computer Analysis Response Team (CART) examiner positions. However, the staffing recommended for the field computer crime squads and CART is not sufficient. Additional staffing is needed to address the workload the FBI is facing in this rapidly growing area. I must also appeal for the 20 positions requested for field intelligence reports officers. These officers are key to the FBI's effort to improve intelligence collection and analysis.

I want to emphasize of course, stopping computer crime does not end with intelligence gathering and investigative support capabilities. It still requires effective prosecution by U.S. Attorneys. In light of the increased use of the Internet for the distribution and trafficking of child pornography and the proliferation of highly sophisticated computer crimes, I am appealing for additional U.S. Attorneys to handle the growing caseload created by this threat.

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Also in my appeal for the FBI are funds for foreign language services. Additional resources are required to ensure that the translation capability, so essential to the FBI's criminal and national security investigations, is available. I also request your support for 20 field intelligence reports officers that are key to improving FBI intelligence collection and analysis. Finally, in place of construction funds, I am seeking funds for the FBI for equipment related to encryption activities.

The Office of Inspector General (OIG) is currently involved in a number of resource-intensive special investigations, including process and disclosure issues relating to campaign finance investigations, and Citizenship USA. This is illustrative of an increased workload and expectation that will continue into the future, and the OIG cannot continue these special investigations without any augmentation of resources to the Investigations Division. The Investigations Division continues to devote resources to special investigations at the cost of routine investigative activity. Requested resources will allow for more productive investigative hours, faster responses to time sensitive allegations, reduced travel costs, and on-site presence for enhanced intelligence sharing and coordination with other law enforcement agencies.

Infrastructure. As you are aware, I view a sound infrastructure as one of the most important factors in the ability of the Department to do its job effectively. I cannot emphasize enough that to be successful, we need the right tools. With OMB's support, the Department has achieved notable improvements in its underlying infrastructure, which is no doubt enhancing our ability to fight crime and secure our Nation's safety. Yet, many critical infrastructure requirements remain unfunded.

I am appealing for funds not provided in the Passback to ensure that FBI personnel have the skills necessary to carry out their responsibilities. By FY 2000, approximately 30 percent of all FBI agents will have less than 4 years of experience with the agency. Furthermore, advanced and specialized training has been deferred due to the emphasis on hiring new agents. Core-skills training and advanced training is critical for all FBI personnel. As with capital assets, personnel assets require servicing and upkeep.

The DEA requires resources to complete the deployment of advanced computer systems for drug investigations; to purchase advanced software programs; to hire computer contract staff for maintaining DEA's advanced computer system; and to upgrade the El Paso Intelligence Center's information systems.

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One of the consequences arising from our successful anti-crime efforts over the past 6 years has been the increased workload and pretrial detention space requirements placed upon the USMS. The USMS requires resources to staff and equip new courthouses, and personnel to respond to the increasing workload generated by new agents and attorneys in the Department. The USMS also needs resources to cover the increased costs of transporting prisoners.

As the primary litigators for the Federal Government, U.S. Attorneys must have the technology to manage the explosion of information characteristic of today's caseloads. Automated litigation support equipment will decrease the amount of time necessary to complete document-intensive trials and will facilitate the comprehension of evidence presented at trial.

I am also appealing for resources to support INS agency-wide administrative support initiatives. Due to the tremendous build-up in its officer corps positions since FY 1996, INS has a burgeoning cadre of officers in need of advanced training. Current budgetary constraints make it difficult to meet this need, and this enhancement will enable INS to address its current backlog of advanced training needs. INS also requires resources to modernize its human resources management operations and to continue to migrate information from INS Master Index microfilm records, records from 1906 to 1976, to an automated database management system.

Additional resources totaling \$3.2 million will allow INS to manage the ongoing operations and maintenance to its new Federal Financial Management system (FFMS). The full implementation of the FFMS will enable INS to receive an unqualified audit of its financial system. Finally, FY 2000 resource requirements for ongoing and planned INSpect reviews, and increased internal investigative needs, are associated with the \$7.7 million appeal for the Office of Internal Audit.

The 2000 Passback provides \$15 million for Telecommunications Carrier Compliance -- 10 percent of our initial request. We must continue to demonstrate good faith in this initiative and request your support for an additional \$135 million. A substantial budget request in this area will give us a stronger position in dealing with industry.

Also in my appeal for infrastructure requirements are requests for an Automated Litigation Support Initiative that will decrease the amount of time needed to complete document-intensive trials - often with paper copies of tens of thousands of claims and objections; technology support needed to provide security and

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reliability throughout the Department's Information Technology (IT) systems; a legislative tracking system that will not only embody data entry and tracking capabilities, but will also include features permitting automated workflow within the Office of Legislative Affairs (OLA), electronic document management, document imaging for storage and electronic transfer, and assure Year 2000 compliance; and administrative support staffing for the OIG.

Making programs responsible for their activities is critical in ensuring positive outcomes. I am appealing for resources that will allow OIG's Inspections Division to increase audit, inspection, and investigative coverage of departmental programs and operations, and to expand follow-up activities. These resources are needed to more adequately respond to the growth that has been occurring over the past 6 years.

In addition, the use of IT in the Department has increased significantly over the last ten years. With this explosion of technology has come a tremendous increase in productivity, but it has also created new opportunities for inefficiency and waste. I am appealing for resources that will give the OIG the ability to perform more audits of IRM systems in an effort to uncover gross inefficiencies and wasteful IT programs. In addition, the resources will be used to verify and validate supporting data sources and information systems used for performance measures in components' performance reports and strategic plans.

I am appealing for the Department's entire 2000 increase for the Justice Consolidated Office Network (JCON) program funding. If the Department of Justice cannot provide our attorneys with the information technology tools necessary to perform their jobs, we place the nation's public safety, civil liberties, and resources in jeopardy. The requested funding is required to prevent the collapse of the information infrastructure supporting the U.S. Attorneys and the Department's specialized litigating components. Currently, the U.S. Attorneys and several of our specialized litigating components are burdened with antiquated, inadequate, and unsupportable office automation systems. The U.S. Attorneys cannot communicate electronically in a timely, reliable manner within themselves, nor with other Government agencies that assist in our investigations, prosecutions and other litigation. Attorneys have severely restricted access to the Internet and other electronic media which impedes their ability to research issues and obtain access to the full range of investigation related information. Most of our current equipment and software can neither support, nor be made compliant with, basic computer security standards. The products also are no longer supported by the vendors. The unreliability of our

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current systems is a constant threat to the attorneys' ability to file briefs and other court papers in a timely, complete manner. In sum, continued use of these systems threatens the Department's ability to enforce the nations laws and protect the interests of the United States, the core mission of this Department. Department of Justice attorneys must have current office automation technology functioning on a secure, reliable network infrastructure. The \$71 million requested for JCON in 2000 will allow us to provide this infrastructure and associated tools.

Litigation (affirmative and defensive). In order for the Department to meet its law enforcement challenges, we must have the resources to litigate a range of crimes. As responsibilities and caseloads continue to increase, we cannot effectively fulfill our role of preventing, investigating, and prosecuting unlawful activities without sufficient resources.

Combating health care fraud is a top national priority. The Department, in concert with several federal and state organizations, has resolved to uncover and prosecute wrongdoers who fraudulently drain untold sums from Medicare and other health care programs. Currently, we are in the midst of investigating and prosecuting suits filed against Columbia/HCA, which is the biggest health care conglomerate in the United States. In order to untangle the web of deceit in this, the largest health care fraud investigation ever undertaken, tremendous amounts of resources are being exhausted. In order to achieve a successful resolution to this case, resources are needed for the Civil Division to hire the auditors required to uncover the fraudulent activities that have occurred and to use automated litigation support to provide pretrial and trial support.

The amount of attorney workyears devoted to civil defensive cases increased by 25 percent (511 to 639) from 1992 to 1997, and the caseload increased by more than 24 percent (44,449 to 55,301 cases filed) from 1995 to 1997. However, resources for U.S. Attorneys remained flat during this same period. As a result, attorneys are being diverted from other civil and criminal programs to handle civil defense cases. Civil defense cases cannot be declined or delegated as a means to manage or reduce the caseload as it can in criminal or affirmative civil areas -- all cases filed against the Government, its agencies, and employees must be defended. Consequently, the other civil and criminal programs that are providing attorneys for civil defense are not capable of pursuing casework because of the diversions. I am sure you understand how this option-of-last-resort goes against our anti-crime strategy. Therefore, I am appealing for civil defensive litigators.

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Expert testimony is critical in successfully litigating complex cases such as WINSTAR, in which plaintiffs are seeking \$20 to \$30 million in damages and involves over 400 financial institutions throughout the nation. The analysis and testimony of experts are likely to be the deciding factor in resolving these cases, and other complicated cases like them. I am appealing for resources to ensure that the Department can continue to provide the required witnesses and experts to support our complex caseloads.

I want to mention, here, the Criminal Division's need for more resources, 7 positions, to support an increased number of money laundering investigations, both here and abroad, and to support federal investigative efforts regarding Asian, Russian, and Nigerian organized crime. These organizations engage in a variety of crimes - credit card fraud, drugs, firearms violations, among others. Both Department of Justice and the Department of Treasury, in a coordinated team effort, are going after these criminals. The Criminal Division plays a critical role in this effort.

Finally, as you know, I am deeply concerned about the severity of law enforcement problems in Indian Country. In 1999, the Bureau of Indian Affairs and the FBI received increases for law enforcement on tribal lands. However, resources were not provided for additional prosecutors. This is a particular problem in Indian Country because the investigation and prosecution of felonies in Indian Country cannot be deferred to a local (county, state, or tribal) jurisdiction -- it is imperative that federal law enforcement provide an effective avenue of justice for victims of violent crimes. In order to ensure that we have sufficient Assistant U.S. Attorneys to prosecute violent crimes such as rape, murder, and arson, we must receive additional resources for U.S. Attorneys staffing.

Pay Reform and Other Legislative Matters. The INS seeks to upgrade its Border Patrol agent and Immigration Inspector journeyman level from GS-09 to GS-11. After reviewing the results of a contract study of the full performance grade level for agents and inspectors, INS supports the raising to GS-11 the full performance level for both job classifications. INS has shared these conclusions with the Office of Personnel Management (OPM), and the standard that was used to support this upgrade. OPM believes that this approach does not conflict with its classification criteria.

In addition to the journeyman upgrades, there are additional costs for applying 6c retirement coverage to Immigration Inspectors, and replacing Administratively Uncontrollable

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Overtime (AUO) status with an Uncommon Tour categorization for agents and inspectors assigned to headquarters, regional offices, and to the training academies. The total direct cost of this comprehensive pay reform package is \$92.9 million in 2000, which I am requesting in full.

The OIG's review and audit of the Violent Crime Reduction Trust Fund (VCRTF) grant programs will be significantly curtailed if the current appropriation language is not changed. Currently, the language allows a transfer of up to "one-tenth of one percent" of the VCRTF to the OIG, which amounted to \$3.8 million to support 40 reimbursable positions in FY 1998. Based on the Passback funding levels for OJP and COPS, "one-tenth of one percent" will only provide the OIG with \$2.1 million for 2000, representing a reduction of \$1.7 million. We propose a change to "two-tenths of one percent," which will provide up to \$4.2 million to the OIG for audits of the VCRTF grant programs. This level of funding will ensure that adequate resources are available to continue auditing the VCRTF grant programs, including COPS.

Up to one-third of the cocaine entering the United States and an increasing amount of heroin, is transhipped through Puerto Rico. Drug activity in Puerto Rico has caused a public safety crisis, resulting in public corruption, money laundering, and extreme violence. The Department of Justice along with the Department of Treasury have taken the lead in disrupting and stemming the drug trade and its related crimes in Puerto Rico. However, even with significant increased resources from Congress to combat illegal drugs on the island, our efforts are threatened by the difficulties we encounter in recruiting and retaining an effective workforce.

The Department has devised a strategy to stabilize and increase the effectiveness of its employees in Puerto Rico which includes an extended assignment bonus or allowance to any employee who agree to stay in Puerto Rico for a set period of time. I am requesting that this additional authorization be approved, which I believe will greatly reduce the inefficient shuffling of personnel to and from Puerto Rico, and enhance our law enforcement experience level.

Additional DOJ Appeal Issues. In the FY 1999 Appropriations Act, congressional intent to implement the INS restructuring proposal was evidenced by the splitting of the Salaries and Expenses Account into two separate accounts: Enforcement Affairs and Border Management, and Citizen Benefits and Immigration Services. The OMB Passback for 2000 recommends a third Salaries and

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Expenses Account, Leadership and Support. This budget account would create a reimbursable account, funded by the enforcement and service accounts, allowing them to buy necessary levels of support to meet mission needs.

We do not support this third account. INS will be presenting its restructuring implementation plan to Congress in early 1999, and until key decisions are made about the internal structural changes inherent in the proposal, the suggestion by OMB is premature.

OMB has also expressed concern about the direction and management of the Integrated Card Production System (ICPS) that supports the Border Crossing Card (BCC) and immigrant benefit card production. Recent upgrades in the technology that ensures the cards' security has created an applicant backlog. INS also projects that card production costs will exceed fee revenues in 1999, which may require resources from appropriated funds. OMB recommends that INS seek a commercial operation to assume control and acquisition of INS' card production operations, and that a card production/technology migration plan be submitted to OMB no later than January 4, 1999. The Department will work with INS to ensure compliance with OMB's request. INS has contracted with Booz-Allen Hamilton to conduct a cost-benefit analysis of a range of alternatives for card production. This report is currently in its final stages, with the final report deliverable in late January 1999. It is possible to provide a progress report, if not final plans, by the early January 1999 deadline imposed by OMB.

I am aware of the Administration's support of enhancements for civil rights initiatives in the 2000 budget. I understand that White House staff has discussed program increases for the Civil Rights Division and the Community Relations Service in the amounts of \$13 million and \$3.3 million, respectively, with senior staff in these components. I fully support the Administration's efforts to supplement the resources currently employed by the Department in its civil rights enforcement effort, and its conflict mediation activities. I request that additional funding for these efforts in the amounts mentioned above be made available by OMB as program enhancements above the levels requested in this appeal.

I also understand that the White House is developing a new crime bill initiative for presentation in the Administration's 2000 budget. I support this initiative, and I assume that OMB will provide resources to the Department above the levels included in this appeal to implement its provisions.

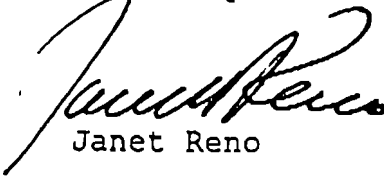
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Finally, I want to respond to the National Security Council's suggestion of creating an Assistant Attorney General (AAG) for International Affairs. Currently, we are evaluating the best way to manage our international policy and programs.

The enclosed information provides more information about my appeal. I trust that you will give this request serious consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet Reno", written in a cursive style.

Janet Reno

Enclosures

General Administration (GA)
FY 2000 Appeal

OMB Appeal

- \$250,000 for the Office of Legislative Affairs (OLA) Legislative Tracking System. A new legislative tracking system will not only embody data entry and tracking capabilities, but will also include features permitting automated workflow within OLA, electronic document management, document imaging for storage and electronic transfer, and assure Year 2000 compliance.

General Administration
Telecommunications Carrier Compliance Fund
FY 2000 Appeal

OMB Appeal

- \$135,000,000 for Telecommunications Carrier Compliance. Several major manufacturers have informed the government that they are in advanced stages of Communications Assistance for Law Enforcement Act (CALEA) solution development. Some of the manufacturers claim to have solutions meeting the industry standard available for immediate deployment. The manufacturers also claim that solutions for all of the "punch list" capabilities are technically feasible. We now believe that we can obligate significant sums in FY 2000.

Executive Office for Immigration Review
FY 2000 Appeal

OMB Appeal

- \$4,464,000 for adjustments to base for FTS Costs, Rent, JCON II Operational Costs, JDC/FMIS Charges, and Universal Fund Access. Without additional funding, EOIR will have to absorb these anticipated cost increases, which will worsen EOIR's existing base level shortfall. An additional base reduction would result in an immediate hiring freeze and the inability to fund 50 to 60 additional base level full time positions at a time when INS enforcement programs continue to increase.
- 43 positions, 22 FTE, and \$3,319,000 (including 8 judges) for coordination with INS Initiatives. This appeal is based on the INS appeal, which includes funding for 500 border patrol agents and antismuggling personnel. These INS initiatives would result in an increase of approximately 8,000 cases and 800 appeals for EOIR.

Office of the Inspector General
FY 2000 Appeal

OMB Appeal

- \$221,000 for adjustments to base not provided in the Passback.
- 26 positions, 13 FTE, and \$2,166,000 for increasing investigative responsibilities and workload of the Investigations Division. Staffing increases will allow for more productive investigative hours, faster responses to time sensitive allegations, reduced travel costs, and on-site presence for enhanced intelligence sharing and coordination with other law enforcement agencies.
- 9 positions, 4 FTE, and \$433,000 for the Audit Division to conduct audits of the Department's information resource management systems, and to support the Department's implementation of the Government Performance and Results Act (GPRA).
- 4 positions, 2 FTE, and \$231,000 for the Inspections Division for increased inspection coverage to address Departmental programs and operations, and to expand follow-up activity.
- 4 positions, 2 FTE, and \$202,000 for the Management and Planning Division for administrative support staff to provide for the increase of requested positions in FY 2000.

United States Parole Commission
FY 2000 Appeal

OMB Appeal

- \$52,000 for adjustments to base for FTS Costs, Universal Services Fund Access, and GSA rent. The reduction to base would result in the reduction of 1 FTE or reductions in several non-personnel costs which would impair the Commission's ability to manage its caseload.

General Legal Activities
FY 2000 Appeal

OMB Appeal

Base Resources

- The activities that comprise the GLA appropriation appeal for restoration of adjustments to base in the following amounts: Office of Solicitor General, \$115,000; Tax Division, \$701,000; Criminal Division, \$1,723,000; Civil Division, \$945,000; Environment and Natural Resources Division, \$746,000; Office of Legal Counsel, \$95,000; Civil Rights Division, \$1,086,000; Interpol - U.S. National Central Bureau, \$135,000; and Legal Activities Office Automation, \$14,000.

Program Enhancements

Tax Division

- \$1,481,000 for Automated Litigation Support Initiative. This funding will provide the Tax Division with the ability to fully provide ALS tools to the laptop and personal computers of the Tax Division's attorneys. ALS has been quite useful in large cases. Without this initiative, trial preparation, electronic filing and case presentation becomes much more cumbersome and arduous. The ALS Initiative will expand the benefits of ALS throughout the division. Without these resources, the Division will take longer to complete document-intensive trials, decreasing productivity and efficiency.

Criminal Division

- 13 positions (9 attorneys), 9 FTE, and \$1,760,000 to support the Criminal Division's efforts to combat cybercrime.
- 13 positions (9 attorneys), 8 FTE, and \$1,276,000 to support the Special Operations Division of DEA, to enhance extradition efforts in narcotics cases, and to handle the increasing Title III workload.
- 7 positions (6 attorneys), 4 FTE, and \$542,000 to meet emerging priorities in the area of Weapons of Mass Destruction (WMD), including chemical and biological weapons. The Criminal Division requires additional resources to assist with planning and coordinating training exercises as well as oversight of FBI investigations and the subsequent prosecutions of terrorist incidents.
- 4 positions (2 attorneys), 2 FTE, and \$240,000 to allow the Criminal Division to keep pace with the increasing demands of the international money laundering workload.

- 3 positions (3 attorneys), 2 FTE and \$249,000 to increase training efforts and prosecutorial activities in light of the recently developed Asian and Russian Organized Crime Strategies.

Civil Division

- \$5,600,000 for auditors and automated litigation support services in support of the Columbia health care fraud matters.

Environment and Natural Resources Division

- \$6,680,000 for automated litigation support. This amount includes \$1,450,000 for actions related to defending the public fisc; \$1,980,000 for cases and matters related to the implementation of the Administration's Clean Water Action Plan; \$250,000 to combat environmental crime; and \$3,000,000 to support the Division's base programs.

Legal Activities Office Automation

- \$71,942,000 for JCON Implementation and JCON System Upgrades (\$17,100,000 for New Technology and \$54,842,000 for JCON Infrastructure). Without the requested \$54.8 million for JCON's Infrastructure Initiative, the implementation of the JCON office automation system will be delayed well into 2000. In addition to initial infrastructure, constant incremental upgrades are needed. DOJ components have increasingly limited sources of funding for information technology; therefore, LAOA must provide the funds needed to maintain and improve a standard information technology platform. LAOA has requested \$17.1 million in new technology support. Security and productivity will be compromised throughout DOJ if the requested funds are not received. Current systems are increasingly unreliable, resulting in extended periods of time when certain work cannot be accomplished.

U.S. Attorneys
FY 2000 Appeal

OMB Appeal

- Base funding; \$16,988,000 for various unfunded adjustments to base
- Narcotics and Dangerous Drugs; 83 positions (50 attorneys), 42 FTE and \$6,811,000 to enable the USAs to participate in the implementation of the Department's drug strategy by prosecuting and convicting members of multi-jurisdictional drug trafficking organizations. At the enhanced funding level, the USAs will also be able to continue providing support and leadership to state and local governments in their enforcement efforts.
- Violent Crime in Indian Country; 36 positions (26 attorneys), 18 FTE and \$3,208,000 to enable the USAs to investigate and prosecute felonies in Indian Country, which cannot be deferred to a local (county, state, or tribal) jurisdiction. Federal law enforcement is the first and the only avenue of protection for the victims of these crimes.
- Defensive Civil Litigation; 76 positions (25 attorneys), 38 FTE and \$4,998,000 to enable the USAs to keep pace with a growing defensive civil litigation workload. Previously, the USAs have been able to divert existing resources from affirmative civil and some criminal cases to address the defensive civil docket, but that option is no longer viable.
- Computer Crime; 87 positions (55 attorneys), 44 FTE and \$7,301,000 to enable the USAs to investigate and prosecute alleged criminal acts accomplished via the use of computers or committed against computer networks. Additional funding will also provide the USAs with adequate resources to investigate and prosecute those who distribute and traffic in child pornography.
- Infrastructure; 36 positions (2 attorneys), 19 FTE and \$9,075,000 to provide support for mission-critical information technology equipment and systems. During deliberations over the 1999 President's Budget Request, Congressional conferees agreed that many Federal agencies lack adequate personnel with the basic skills necessary to effectively use information technology and other information resources in support of agency programs and missions. The enhancements sought for this initiative will address that concern.

Foreign Claims Settlement Commission
FY 2000 Appeal

OMB Appeal

- FCSC appeals for restoration of \$6,000 in adjustments to base for FMIS charges and FTS transition costs.

U.S. Marshals Service
FY 2000 Appeal

OMB Appeal

- \$8,576,000 for adjustments-to-base for rent increases, FTS costs, and the Universal Service Fund. The USMS does not have the resources to absorb these increases without significant reductions in its operational program area.
- 60 positions (47 DUSMs), 30 FTE, and \$4,233,000 to staff new courthouses. Without these positions, the USMS will not be able to fully achieve its strategic goal to protect the federal judiciary and ensure the safe and secure operation of the federal court system.
- 162 positions (129 DUSMs), 81 FTE, and \$11,519,000 to address the additional workload that will be generated by other law enforcement agents and attorneys hired in FY 1998, who are now hired, trained and deployed, and generating workload for the courts and USMS.
- 168 positions (131 DUSMs), 84 FTE, and \$11,824,000 to address the additional workload that will be generated by other law enforcement agents and attorneys hired in FY 1997, who are now hired, trained and deployed, and generating workload for the courts and USMS.
- \$9,418,000 to address the overall increase in transportation costs because of the expected increase in the cost-per-seat charge and the expected growth in the detainee population.
- \$16,927,000 for resources to install security equipment, telephone systems and radio equipment, and furniture for new and renovated courthouse projects.
- 9 positions, 5 FTE, and \$404,000 for the USMS renovation program. An additional \$4,100,000 will be funded from the \$18,100,000 included in the OMB passback.
- \$2,083,000 to procure the appropriate hardware, software, and contractor support to conduct risk analysis and systems testing that will enable the USMS to complete documentation of its security plans.
- Personnel Compensation/Operating Shortfall. The Department has earmarked \$14,000,000 of the \$18,100,000 in the OMB passback for such base shortages as permanent change of station moves, guard hire, and salary shortfall. The remainder has been applied to the courthouse renovation request.

Federal Prisoner Detention
FY 2000 Appeal

OMB Appeal

- \$258,000 in adjustments-to-base.
- \$133,991,000 to cover total anticipated FY 2000 jail day increases. This appeal includes an additional increment of \$19,000,000 to make allowance for 1999 congressional actions, which cut the 1999 President's request by \$25,000,000 because of anticipated carryover. In FY 1999, the USMS is anticipating a significant shortfall, which will continue into FY 2000 and beyond if the base is not increased. This request, which represents a growth of 12 percent over the anticipated 1999 requirement, is expected to meet anticipated FY 2000 needs.

Community Relations Service
FY 2000 Appeal

OMB Appeal

- CRS appeals for restoration of adjustments to base in the amount of \$136,000.

Federal Bureau of Investigation (FBI)
Salaries & Expenses/Violent Crime Reduction Program
FY 2000 Appeal

OMB Appeal

- \$34,582,000 for adjustment-to-base increases. This amount includes \$25,151,000 for GSA rent, \$4,409,000 for FTS Recompensation/Transition Costs, \$4,201,000 for FTS Usage Costs, and \$821,000 for Universal Services Fund Access.
- 512 positions, 468 FTE and \$101,842,000 for the National Instant Criminal Background Check System (NICS).
- 13 positions, 7 FTE and \$5,954,000 for FBI Academy training.
- 94 positions (56 agents), 47 FTE and \$8,905,000 for Computer Investigation and Infrastructure Threat Assessment (CITA) Squads.
- \$982,000 for CITA Squad training.
- 50 positions, 25 FTE and \$4,087,000 for Field Computer Analysis Response Teams (CART).
- 17 positions, 8 FTE and \$2,795,000 for Headquarters CART examiners.
- \$363,000 for CART training.
- \$8,460,000 for the National Domestic Preparedness Office, of which \$1,500,000 comes from an offset to the FBI Counterterrorism Center base.
- 3 positions, 2 FTE and \$15,297,000 for computer-based digital collection systems.
- \$12,250,000 to purchase technical support equipment and rent/build out space.
- \$300,000 for Latent Fingerprint Technology.
- 5 positions, 2 FTE and \$2,836,000 for Mitochondrial DNA research and development.
- \$7,652,000 for NCIC 2000 operations and maintenance.
- 7 positions, 3 FTE and \$1,661,000 for FBI Academy operations and maintenance.
- 1 position, 1 FTE and \$9,441,000 for foreign language services.
- \$2,151,000 for Criminal Analyst training.

- \$602,000 for Analytic Training.
- 11 positions, 5 FTE and \$4,335,000 for Technical Program Support training.
- 5 positions, 3 FTE and \$5,336,000 for the Federal Convicted Offender DNA Database, which is funded by an offset to the \$9,500,000 available in the FBI base for State Identification System formula grants.
- 20 positions (17 agents), 10 FTE and \$5,791,000 for the Legal Attache Program.
- \$4,164,000 for LABNET connectivity, part of the Criminal Justice Information Services Wide Area Network. This increase, which was not part of our request to OMB, is funded by an offset to the \$9,500,000 available in the FBI base for State Identification System formula grants.
- 20 positions, 10 FTE and \$1,221,000 for the Reports Officer Initiative.
- 5 positions, 2 FTE and \$8,336,000 for the Regional Laboratory Initiative.

Drug Enforcement Administration
FY 2000 Appeal

OMB Appeal

- \$19,000,000 to complete the FIREBIRD installation (\$17,000,000) and deployment of the ORACLE data base management system (\$2,000,000), preventing a delay in the FIREBIRD installation and its reliance on obsolete legacy systems. OMB provided partial funding (\$13,000,000) in the OMB Passback for FIREBIRD Phase II implementation.
- 32 positions (22 agents), 16 FTE, \$1,509,000 for additional Regional Enforcement Teams (RETs) resources, i.e., the differential between the original RETs request in the OMB budget request (\$14,509,000) and the FY 1999 funded enhancement (\$13,000,000) to fully establish 3 RETs to combat national and international drug trafficking organizations at the regional level.
- 27 positions, 14 FTE, \$15,276,000 for the Special Operations Division to establish a Telecommunications Section for managing the national and international electronic intercept program and additional administrative support, including special operational funding (\$14,000,000) to utilize applied technologies for exploiting trafficker telecommunications for active case investigations.
- \$3,280,000 for an additional 45 contract Field Information Resource Specialists to maintain and monitor DEA's FIREBIRD network and remaining legacy system equipment. The Department believes that inadequate support will seriously risk the investment already made in Firebird.
- \$12,650,000 to develop and implement an Information Management Program and Case Tracking (IMPACT) System to improve the collection, dissemination and use of information at the field level, and to provide DEA with an essential tool to re-engineer its business process for investigative case management. IMPACT will be used on Firebird system network.
- \$8,892,000 to cover general base reductions. Without these resources DEA would be forced to reduce its manpower strength by up to 81 agents and 48 support positions across its domestic enforcement program, weakening its effectiveness in conducting drug investigations. If manpower reductions were not made, then reductions in support infrastructure programs would occur, e.g., laboratory operations; training program; and technical equipment and aviation programs, and/or reduction in agent moves by 230.
- 3 positions, 1 FTE, and \$4,595,000 to redesign and update its network management and control system (Tivoli Enterprise

System) to ensure DEA can effectively manage and refresh its IT communications systems, including Firebird and Merlin, allowing investigative staff to use the IT technologies to increase their productivity.

- 3 positions, 2 FTE, and \$1,985,000 to provide additional resources for DEA's centralized ADP Help Desk, which supports the full spectrum of hardware, software and telecommunications functions that are vital to agency operations.
- \$3,300,000 to upgrade and improve the El Paso Intelligence Center's Information System, which is the central IT infrastructure that collects, distributes and analyzes reported data on worldwide drug movements and organizations impacting the United States for its member agencies. The Department believes that the current level of base funding is inadequate to provide for proper maintenance and system refreshments.

Immigration and Naturalization Service
Salaries and Expenses
FY 2000 OMB Appeal

Border Enforcement:

- \$4,873,000 to restore the Border Patrol's helicopter program that was cut by Congress in 1999. Without these resources, INS is unable to replace its considerably aged fleet of helicopters with new ones.
- \$54,740,000 as an adjustment to base to support base detention program requirements. This will allow INS to maintain its current level of funded bedspace.
- \$3,500,000 for alien travel, detention, and welfare (ATD&W) requirements. This will support the transfer of 1,000 long-term aliens to BOP, and support costs incurred as a result of the 1,000 freed-up beds turning over more rapidly.
- 570 positions (500 Border Patrol agents), 285 FTE, and \$60,273,000 to add 500 new Border Patrol agents, and for 70 Border Patrol support positions.
- 134 positions (75 Special Agents), 67 FTE, \$16,670,000 for Anti-Smuggling initiative. There also is an appeal for ORION resources identified below.
- \$4,572,000 for Inspections Program resources to support number of positions contained in OMB Passback. Funding supports only 47 of the 87 Inspector positions contained in the Passback.
- \$8,000,000 for increased JPATS movements in FY 2000.
- \$14,307,000 for adjustments to base not included in the Passback. Hiring of agents and filling existing vacancies, many of which are supervisory-level, would be adversely impacted, should INS be forced to absorb these unfunded base adjustments.

Citizenship and Benefits:

- \$17,483,000 for a base increase to cover charges from Justice Data Center use. INS cannot absorb these costs without adversely impacting other base resources in the Information Resources Management program.
- \$5,000,000 for the annualized costs associated with microfilm digitization, and to support the on-going records centralization initiative.
- \$92,900,000 for the Border Patrol and Immigration Inspector Comprehensive Pay Reform Package.

- 89 positions, 45 FTE, and \$24,119,000 for Administrative Support agency-wide, which includes:
 - 40 positions, 20 FTE, and \$5,745,000 for INS Officer Advanced Training;
 - 15 positions, 8 FTE, and \$7,475,000 for PeopleSoft Personnel Management System;
 - \$3,200,000 for the Federal Financial Management System;
 - 34 positions, 17 FTE, and \$7,699,000 for INSpect/Investigation.
- \$1,500,000 for Orion, the Intelligence module to the ENFORCE case management system, which is associated with the Anti-smuggling appeal item listed above.

Immigration and Naturalization Service
Construction Account
FY 2000 Appeal

OMB Appeal

- To redirect \$7,833,000 contained in the OMB Passback from enhancement, to restore the base cut included in OMB Passback [no net increase to the passback]. These base resources are necessary to support the Repair and Alteration program, which is critical to sustaining the life-span of INS-owned facilities.

Federal Prison System
Salaries and Expenses
FY 2000 Appeal

OMB Appeal

- Restoration of \$90,000,000 in carryover funds that were cut from BOP in the 1999 appropriation to ensure BOP can maintain current services as it experiences unprecedented growth in the inmate population. Any base reductions beyond those already built into the request level will affect staffing, and result in severe inmate management problems as the inmate to staff ratio balloons. Especially given the high levels of overcrowding, BOP cannot risk staffing cuts that would jeopardize prison safety.
- Restoration of \$23,200,000 that Congress took from BOP's FY 1999 base to provide funds for the Legal Services Corporation. Congress directed that this funding come from WCF in 1999 as a one time replacement. Without this restoration, BOP may need to request a transfer of the same amount from ongoing Buildings and Facilities construction projects to meet base operational requirements. This could result in construction delays and potential cancellations of projects for which funding has been eliminated.
- 1,295 positions, 527 FTE, \$86,809,000 to activate the medium security facility and camp in Victorville, California; the camp in Forrest City, Arkansas; and detention centers in Houston, Texas; Brooklyn, New York; and Philadelphia, Pennsylvania. Funding is needed to open these facilities without delay, or they will sit unused. These facilities will mainly provide much needed additional detention bedspace.
- \$11,861,000 in adjustments to base for FTS Costs, Universal Services Fund Access, and JDC/FMIS Charges.

Federal Prison System
Buildings and Facilities
FY 2000 Appeal

OMB Appeal

- 3 positions, 2 FTE, and \$15,000,000 for site and planning for 1 FCI in the Western region to ensure BOP will have adequate bed space for its growing population. Overcrowding is especially problematic at the higher security levels and in the Western region. Without this construction, overcrowding will worsen, jeopardizing the safety of staff, inmates and surrounding communities.
- 9 positions, 6 FTE, and \$45,000,000 for site and planning for 3 facilities to provide capacity needed to transfer dangerous non-returnable detainees from INS to secure BOP facilities. BOP is already experiencing unprecedented population growth and dangerous overcrowding in its medium and high security facilities. This construction is necessary to ensure INS non-returnable detainees are appropriately secure and that the transfer of these detainees does not exacerbate the overcrowding situation in BOP facilities. OMB endorsed this transition in the Department's detention study, and the Attorney General strongly supports this effort, but it will not be possible without new construction.

Office of Justice Programs
FY 2000 Appeal

OMB Appeal

- \$1,745,000 to fully fund Adjustments to Base. Unfunded ATBs include FTS Recomp/Transition Costs (\$52,000), FTS Usage Cost (\$43,000), Universal Service Fund (\$19,000), GSA Rent (\$1,596,000), and JDC/FMIS Charges (\$35,000).
- Redirection of resources within the total provided in the Passback as described below. There is no overall net dollar change associated with these proposals.
 - \$105,000,000 to restore funding for the following initiatives: the Discretionary Drug Testing Intervention Initiative (\$85,000,000); the Weed & Seed program increase (\$10,000,000); Evaluation of the Byrne Formula Grant Program (\$5,000,000); and the National White Collar Crime Center's involvement in the National Cybercrime Training Partnership (\$5,000,000).
 - Restructuring of \$10,000,000 within OJP's Counterterrorism programs in order to allow for increases in the operational costs of Fort McClellan (\$4,000,000 to be taken from the Technical Assistance program, and \$6,000,000 from the Equipment Acquisition program). This will provide sufficient funding to cover the fixed costs OJP will assume in FY 2000, and will allow for the training of 2,000-3,000 first responders.
 - Elimination of the Drug Testing/Intervention, Juvenile Prosecutorial Initiative and DC Offender Supervision earmarks within the Byrne Formula Grant program, and restoration of those resources for Byrne Formula Grants (\$109,000,000).
 - Elimination of the \$39,900,000 in DC related earmarks within the OJP and COPS programs and restoration of these funds for those programs, with \$39,900,000 being returned to OMB to fund those initiatives out of the DC Appropriation.
 - 9 positions and 5 FTE associated with these changes--2 positions and 1 FTE for Weed & Seed, and 7 positions and 4 FTE to meet the personnel requirements associated with the transition of Fort McClellan to OJP control, and to allow OJP to provide detailees to the proposed National Domestic Preparedness Office in the FBI.
 - Redirection of \$7,800,000 to fund Department needs in General Administration (equates to \$1,928,000 in Budget Authority for GA due to differences in outlay rates).

- To offset these proposed changes, elimination of the non-earmarked portion of the Correctional Facilities Grants Program (\$102,000,000); the Juvenile Prosecutorial Initiative under VCRP (\$50,000,000); and the unrequested increase for the Motor Vehicle Theft Prevention program (\$700,000). These proposals are detailed in the attached chart.

Proposed Restructuring of OJP Resources in FY 2000 Budget

(Dollars in Thousands)

Proposal	Impact		
	<u>Decreases</u>	<u>Increases</u>	<u>FTE</u>
1 Restore the Discretionary Drug Testing Intervention Initiative JA-OAAG		85,000	
2 Restore Program Increase for Weed & Seed VCRTF-EOWS		10,000	1
3 Restore Program Increase for the National White Collar Crime Center to fund participation in the National CyberCrime Training Partnership JA-BJA		5,000	
4 Restructure Counterterrorism programs to provide for increased operational costs at Fort McClellan in FY 2000 Equipment Acquisition Program Technical Assistance Fort McClellan	(6,000) (4,000)	10,000	4
5 Eliminate earmarks within the Byrne Formula Grant Program Byrne Formula Grant Program Drug Testing/Intervention Juvenile Prosecutorial Initiative DC Offender Supervision Byrne Formula Grants	(50,000) (50,000) (9,000)	109,000	
6 Restore the Evaluation of the Byrne Formula Grant Initiative Byrne Discretionary Grant Program		5,000	
7 Eliminate earmarks within OJP programs for DC initiatives and instead return resources to OMB to fund these initiatives out of the DC Appropriation Byrne Formula DC Earmark Byrne Formula Grants COPS Hiring Program DC Earmark COPS Hiring Program VAWA Programs DC Earmark VAWA Programs Correctional Facilities Grants (VOITIS) DC Earmark Prosecutorial Grants DC Earmark Resources returned to OMB for these Initiatives	[-9,000] [-19,600] [-1,400] [-2,200] [-7,700]	[9,000] [19,600] [1,400] [39,900]	
8 Offsets Offered: VOITIS VCRTF-Juvenile Prosecutorial Initiative VCRTF-Motor Vehicle Theft Prevention	(102,000) (50,000) (700)		
9 Redirect resources to fund Department needs in GA (Equates to \$1,928 in BA for GA, due to differences in Outlay rates)		7,800	
TOTAL CHANGES	(271,700)	271,700	5

Community Oriented Policing Services
FY 2000 Appeal

OMB Appeal

- \$159,701,000 (\$140,101,000 unearmarked in the initial passback plus \$19,600,000 earmarked for the D.C. Offender Supervision Agency that DOJ appeals to eliminate) within the Public Safety Officer Program for hiring grants be used to provide funding for the grant program recently authorized in the Crime Identification Technology Act of 1998 (the DeWine bill). The Act allows states to receive grants to upgrade communications technologies and criminal justice identification systems.



Jose Cerda III

12/11/98 07:17:54 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Leanne A. Shimabukuro/OPD/EOP
Subject: Rubin Request

BR:

Here are the Treasury Enforcement requests:

1. ATF -- Total appeal of \$29.325 million. Half of this \$14.232 is for Brady/YCGII -- our priority -- and the remainder is for a series of other ATF enhancement, including \$6 million for tobacco compliance, \$6 million for their crime lab, etc. This should be a big priority for us.
2. Money Laundering -- \$29.4 million for a Custom's money laundering initiative. I'm not sure of the details, but they claim it's for efforts like Casablanca and to develop a National Anti-Money Laundering Strategy, as required by legislation signed into law this year.
3. Drugs -- \$62.628 million for Custom's drug and border enforcement, including new agents, inspectors and x-ray machines along the border. McCaffrey should be pushing for this, too.
4. Counterfeiting -- \$13.616 for the Secret Service to acquire advanced technologies to help them fight high-tech counterfeiters and identity theft. Identity theft is an up and coming issue. We signed legislation on it this year.
5. Cybersmuggling/Child Porn -- \$8 million for Customs to hire more agents and computer specialists to crack down on the "cybersmuggling" of child porn into the country. Their successful cases in this area have received lots of press attention.

jc3



Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Leanne Shimabukur, o

Subject: COPS Scenarios

BR:

Per your request, here's a suggested redistribution of COPS funding if we needed to reduce the overall funding. What do you think? I hate cutting the technology piece, but I assume we need to keep the prevention # up unless really pressed...jc3

(1) -\$100 million/\$1.2 billion.

- \$700 million for hiring/redeploying
(approx. 12,000 more police -- 9,000 new, 3,000 redeployed) *
- \$250 million for technology
- \$150 million for prosecutors
- \$100 million for prevention

(2) -\$200 million/\$1.1 billion.

- \$600 million for hiring/redeploying
(approx. 10,000 more police -- 7,000 new, 3,000 redeployed) *
- \$250 million for technology
- \$150 million for prosecutors
- \$100 million for prevention

(3) -\$300 million/\$1 billion.

- \$600 billion for hiring redeploying
(approx. 10,000 more police -- 7,000 new, 3,000 redeployed) *
- \$250 million for technology
- \$100 for prosecutors
- \$50 for prevention

* \$50 million in 1-year retention waivers would result in a net gain of about 1,000 more police officers (+ 2,000 retained/-1000 new/redeployed officers).

PROPOSED FUNDING FOR COPS II

1. \$750 MILLION FOR CONTINUED COPS HIRING

By funding purpose:

- \$700 million for hiring (including earmarks)
 - \$25 million for vests
 - \$41 million for Indian country
 - \$20 million for DC offender supervision
 - \$30 million for Police Corps
 - \$30 million for Law Enforcement Scholarships
 - additional, unspecified earmarks for school safety and race/hot spots
(NB: Last year Congress earmarked more than \$200 million of these funds)
schools but no number, \$20 million for DC offender supervision
- \$50 for retention waivers

By funding source:

- \$300 million already in guidance/passback
- \$450 million in new funding

2. \$300 MILLION FOR 21st CENTURY POLICING

By funding purpose:

- \$100 million for improved wireless communications/state planning grants/NTIA inoperability demo
- \$100 million for Dewine/Leahy Bill
 - \$45 million for Brady criminal history records, of which \$25 million can be used for sex offender registries
 - \$50 million for forensics (including \$20 million for DNA, \$5 million for DNA training, \$2 million for forensics training...and 18 million new for D/L purposes? maybe \$10 for new technology centers?)
 - what else
- \$100 million for compass?
 - crime mapping, local crime surveys, university partnerships,

3. \$250 MILLION FOR COMMUNITY PROSECUTORS

By funding purpose:

- \$200 million for hiring, redeploying and training
- \$50 million for technology

By funding source:

- \$100 million from juvenile prosecutors initiative
- \$50 million from community prosecutors initiative
- \$100 million in new funding

4. \$150 MILLION FOR COMMUNITY CRIME FIGHTING AND PREVENTION

By funding purpose:

By funding source:

Attachment 1: Office of Justice Program -- Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)

	1999 Budget	1999 Enacted	Request	2000 Rec.	Drug %	Drugs
State and Local Law Enforcement Assistance (direct)						
Byrne Grants (discretionary).....	0	47	0	0.0	71.10%	0
<i>National District Attorney (earmark)</i>	0	[5]	0	0.0		0
Byrne Grants (formula)	0	505	0	0.0		0
Subtotal, State and Local Law Enforcement	0	552	0	0.0		0
Crime Fund Programs:						
Comprehensive Drug Intervention Program.....	85	0	0	0.0	100.00%	0
At-risk Juvenile Crime Prevention	0	0	0	0.0	4.20%	0
Res. Substance Abuse Treatment For State Prisoners.....	72	63	72	0.0	100.00%	0
Violence Against Women:						
Grants To Combat Violence Against Women	201	207	207	207.0	19.00%	39
<i>Civil Legal Assistance</i>	0	[18]	0	[18]		0
<i>National Institute of Justice</i>	0	[5]	0	[5]		0
<i>DC Superior Court Domestic Violence</i>	0	[1]	0	[1]		0
<i>OJJDP Safe Start Program</i>	[10]	[10]	0	[10]		0
<i>Family Violence Research Program</i>	0	0	0	[5]		0
Grants To Encourage Arrest Policies.....	30	34	50	34.0	30.00%	10
Rural Domestic Violence Enforcement.....	25	25	25	25.0	49.00%	12
Victims of Child Abuse Grants:						
Court-Appointed Special Advocate Program.....	7	9	9	9.0	19.00%	2
Training for Judicial Personnel & Practitioners.....	5	5	6	5.0	19.00%	1
Grants for Televised Testimony.....	1	1	1	1.0	19.00%	0
National Stalker & Domestic Violence Reduction.....	0	0	0	0.0	19.00%	0
Victims Counselors.....	0	0	0	0.0	19.00%	0
Training Programs.....	2	2	2	2.0	19.00%	0
Subtotal, Violence Against Women Programs	271	283	300	283.0		65
Weed and Seed	40	0	44	33.5	39.00%	13
Drug Abuse Prevention Demonstration Program	5	0	20	0.0	100.00%	0
Missing Alzheimer's Grants.....	1	1	1	1.0	0.00%	0
Terrorism Act:						
Firefighter & Emergency Services Training.....	5	0	0	0.0		0
Foreign Assistance in Counterterrorism Technology.....	0	0	0	0.0		0
R&D in Counterterrorism Technology.....	0	0	0	0.0		0
Byrne Grant--Anti-Terrorism Training Programs.....	10	0	0	0.0		0
State & Local Block Grant.....	0	523	470	0.0	33.00%	0
<i>Boys and Girls Club</i>	0	[40]	0	0.0		0
<i>Law Enforcement Technology</i>	0	[20]	0	0.0		0
✓ Prosecutor Grant Program	100	0	0	0.0	30.00%	0
<i>D.C. Offender Supervision Agency</i>	0	0	0	0.0		0
✓ Community Prosecutors.....	50	0	50	0.0	30.00%	0
Juvenile Justice Block Grant Program.....	0	250	250	0.0	14.50%	0
Brady Handgun Violence Prevention.....	45	45	45	0.0	4.90%	0
Byrne Grant Program:						
✓ Byrne Formula Grant	505	0	510	400.0	71.10%	284
Byrne Evaluation	n/a	n/a	n/a	[5]		
<i>Drug Testing and Intervention</i>	0	0	0	0.0		
<i>Prosecutorial Grants</i>	0	0	0	0.0		
<i>D.C. Offender Supervision Agency</i>	0	0	0	0.0		
✓ Discretionary	47	0	48	55.0	71.10%	39
✓ Coerced Abstinence						
Drug Courts.....	n/a	n/a	n/a	50.0	100.00%	50

Attachment 1: Office of Justice Program - Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)

	1999 Budget	1999 Enacted	Request	2000 Rec.	Drug %	Drugs
✓ Residential Substance Abuse Program.....	n/a	n/a	n/a	65.0	100.00%	65
✓ Drug Testing/Intervention*.....	n/a	n/a	n/a	85.0	100.00%	85
✓ Certainty of Punishment						
Indian Tribal Courts	n/a	n/a	n/a	5.0	50.00%	3
Certainty of Punishment Grants/Gun Courts	n/a	n/a	n/a	35.0	50.00%	18
✓ Incarceration of Undocumented Criminal Aliens.....	350	420	350	500.0		
✓ State Courts Assistance.....	60	5	5	0.0	49.00%	0
✓ Drug Courts.....	30	40	40	0.0	100.00%	0
✓ Violent Offender Incarceration Grants.....	711	720	731	69.0	10.00%	7
General Prison Construction	[484]	[496]	[481]	0.0		
Cooperative Agreement Program	[25]	[25]	[50]	[35]		
Indian Country Earmark	[52]	[34]	[52]	[34]		
State Criminal Alien Assistance Program.....	[150]	[165]	[150]	0.0		
✓ Law Enforcement Family Support.....	2	2	2	2.0	5.00%	0
✓ DNA Identification State Grants.....	15	15	25	0.0	0.00%	0
Tuberculosis in Prison.....	1	0	0	0.0	0.00%	0
Other Law Enforcement - Federal:						
Motor Vehicle Theft Protection.....	2	1	1	1.0	0.00%	0
Senior Citizen Marketing Scams.....	2	2	2	2.0	0.00%	0
Presidential Summit on Crime.....	0	0	0	0.0	0.00%	0
Subtotal, Crime Fund Programs	2,409	2,370	2,966	1,586.5		629
Weed and Seed Program	0	34	0	0.0	39.00%	0
✓ Public Safety Officers Benefits Program:	0	0	4	3.5	0.00%	0
* Community Oriented Policing Services (COPS)						
Community Policing.....	1,400	1,400	268	570.0	34.00%	194
Indian Country Law Enforcement	n/a	n/a	n/a	[45]		
Bullet Proof Vests	n/a	n/a	n/a	[25]		
Safe-Schools	n/a	n/a	n/a	[20]		
DC Offender Services Office	n/a	n/a	n/a	[19.9]		
Management and Administration	n/a	n/a	n/a	[37.4]		
✓ Police Corps.....	20	30	30	30.0	34.00%	10
Police Scholarship Program.....	0	0	20 →	0.0	34.00%	0
Police Recruitment.....	0	0	7 →	0.0	34.00%	0
Technology	n/a	n/a	n/a	350.0	34.00%	119
Police Communications						
Interoperability	n/a	n/a	n/a	[60]		
NTIA Demonstrations	n/a	n/a	n/a	[20]		
Information Integration	n/a	n/a	n/a	[20]		
Other Communications Improvements	n/a	n/a	n/a	[25]		
Crime Solving Technologies						
Convicted Offenders DNA backlog	n/a	n/a	n/a	[15]		
Crime Laboratory Improvement	n/a	n/a	n/a	[60]		
Criminal Record Improvement	n/a	n/a	n/a	[50]		
Crime Forecasting						
Crime Mapping	n/a	n/a	n/a	[50]		
Crime Analysis Tools	n/a	n/a	n/a	[50]		
Community Based Prosecutors	n/a	n/a	n/a	200.0	34.00%	68
Hiring program	n/a	n/a	n/a	[100]		
Innovative programs	n/a	n/a	n/a	[100]		
Community Crime Prevention	n/a	n/a	n/a	150.0	34.00%	51
Subtotal, COPS.....	1,420	1,430	325	1,300.0		442

- RACE / HS
- GUNS
- REVENUE

**Attachment 1: Office of Justice Program -- Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)**

	1999		
	Budget	Pasbak	Rec
COPS	1,420	300	300
Community Prosecutors	0	0	50
Prosecutorial Initiatives	0	0	100
Weed and Seed	0	0	0
Byrne Discretionary	0	0	15
Justice Assistance			
National Institute of Justice, New Programs	0	0	5
Justice Assistance	0	0	15
Regional Information Sharing System	0	0	0
Information Technology	0	0	100
Juvenile Justice Discretionary Grants	0	0	0
Juvenile Justice State Challenge Grants	0	0	0
Juvenile Justice, Other	0	0	0
Brady Handgun Violence Prevention	0	0	45
DNA Lab Improvement	0	0	20
New Money	0	0	650
Subtotal, COPS II		300	1,300
Justice Assistance			
Technology Program	0	100	0
Other Justice Assistance	162	172	152
Subtotal, Justice Assistance	162	272	152
Juvenile Justice			
Discretionary Grants	43	43	43
State Challenge Grants	10	10	10
Juvenile Justice Formula Grants	89	89	89
At-Risk	95	95	95
Other Juvenile	41	52	52
Subtotal, Juvenile Justice	278	289	289
Crime Programs			
Prosecutorial Initiatives/Community Prosecutors	150	100	0
Byrne, Formula	505	482	400
Byrne, Discretionary	47	70	55
Coerced Abstinence			
Drug Courts	30	40	50
Residential Substance Abuse Program	72	63	65
Drug Testing/Intervention*	85	0	85
Prison Construction	484	100	0
Coordinated Assistance Program/Indian Prisons and Detention	77	71	71
Certainty of Punishment			
Youth Violence/Gun Courts	60	5	5
Certainty of Punishment Grants	0	0	35
State Criminal Alien Assistance Program	500	500	500
Violence Against Women Act	271	283	283
Brady Handgun Violence Prevention	45	45	0
DNA Lab Improvement	15	20	0
Weed and Seed	40	34	34
Other Crime Programs	28	7	7
Subtotal, Crime Programs	2,409	1,820	1,590
Anti-Terrorism	145	174	174
Public Safety Officers Benefits Program	0	4	4
Total, State and Local Assistance	4,414	2,859	3,509

*Includes an earmark of \$25 million for drug testing probationers and arrestees

Attachment 1: Office of Justice Program -- Funding
State and Local Law Enforcement Assistance Programs
(in millions of dollars)

	1999 Budget	1999 Enacted	Request	2000 Rec.	Drug %	Drugs
Counterterrorism Programs						
First Responder Equipment	0	76	88	81.5	0.00%	0
Firefighter and Emergency Personnel Training	0	5	5	5.0	0.00%	0
Technical Assistance	0	3	10	6.0	0.00%	0
First Responder Law Enforcement Training	0	0	9	9.0	0.00%	0
Firefighter and Emergency Equipment	0	20	0	0.0	0.00%	0
Consortium Members	0	16	7	17.0	0.00%	0
Situational Training Exercises	0	4	0	0.0	0.00%	0
Counterterrorism Research Program	0	10	15	10.0	0.00%	0
Bomb Technician Equipment (included in Working Capital Fund).....	0	25	0	0.0	0.00%	0
First Responder Training NDPC	0	2	49	45.0	0.00%	0
Subtotal, Counterterrorism	0	[160]	183	173.5		0
Total, State and Local Assistance Programs	4,414	4,817	4,173	3,509.0	0	1,140

Michael F. Crowley
01/19/99 01:29:47 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc: Mark J. Schwartz/OMB/EOP, Leanne A. Shimabukuro/OPD/EOP

Subject: ATF Firearms Initiatives and the \$15M DPC Addback

Jose,

Speaking with Susan Ginsburg at Treasury, she indicated that she thought that you had intended that most of the \$15 million DPC addback for ATF firearms enforcement be spent on the Youth Crime Gun Interdiction Initiative with some gun show enforcement. This is not exactly what ATF is proposing to do with the funding (see DPC Addback column in table below), and I want to make sure that how we characterize the use of the funds in the budget corresponds with the uses you intended. For ATF's firearms enforcement initiatives, this is what ATF is proposing to do:

ATF Firearms Initiative	Regular Initiative Funding (\$ millions)	DPC Addback Funding (\$ millions)	Total Initiative Funding (\$ millions)
Youth Crime Gun Interdiction Initiative	7.0 (5 cities + analysis)	4.2 (5 more cities)	11.2 (10 cities total)
Brady Referral Investigations	1.8	7.0	8.6
Gun Show Investigations	n/a	2.0	2.0
Project Exile/Violent Crime Coordinators	n/a	2.0	2.0
Total	8.8	15.0	23.8

If ATF's split on the \$15 million is not what you have in mind, then we need to go back to Treasury and make sure that they are recharacterizing the proposed uses for the funds. I can make that call, if you feel that it is warranted.

Note that ATF plans to spend almost half (\$7 million) of the \$15 million on Brady referrals investigations. We had not made the Brady referrals (or Project Exile) a priority because, frankly, we believed that an investment in coordinated gun supply reduction efforts was worth more in the long run than investigating and attempting to bring cases against people whose attempts to purchase firearms had already been blocked by NICS. Now, with the Administration more interested in extending Brady to gun shows, shifting more of the \$15 million to gun show enforcement could be worthwhile. An additional option could be adding additional YCGII cities (perhaps an additional 5). Let me know what you think.

--Mike

Michael F. Crowley
01/19/99 07:37:01 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc: mark j. schwartz/omb/eop, leanne a. shimabukuro/opd/eop

Subject: Re: ATF Firearms Initiatives and the \$15M DPC Addback 

Jose,

Susan and I spoke tonight about shifting \$3 million out of the Brady and into the gun show enforcement. Also, we would comingle the special efforts aimed at violent and other gun offenders (Brady and Exile). This would result in the following distribution of resources:

ATF Firearms Initiative	Regular Initiative Funding (\$ millions)	DPC Addback Funding (\$ millions)	Total Initiative Funding (\$ millions)
Youth Crime Gun Interdiction Initiative	7.0 (5 cities + analysis)	4.2 (5 more cities)	11.2 (10 cities total)
Brady/Exile	1.8	5.8	7.6
Gun Show Investigations	n/a	5.0	5.0
Total	8.8	15.0	23.8

Susan and I believe that the \$5 million for Gun Shows is a minimum credible effort. The \$7.6 million for a comingled Brady/Exile initiative is \$3 million less than ATF wanted, but still a healthy investment. And, of course, we still buy 10 more YCGII cities (for a total of 37) for the \$11.2 million.

While some of the details still need to be worked out, we and Treasury/ATF agree that at least 160 ATF agents will be hired from the total of firearms enforcement initiatives, with at least 60 agents slated for the Youth Crime Gun Interdiction Initiative. This leaves 100 agent positions to be divided between Brady/Exile and Gun Shows, or about 60 agents for Brady/Exile and 40 agents for gun show enforcement.

(Another possible take on the Gun Show funding is to use it for extending Brady and ATF's regulatory enforcement efforts first, followed later by increased enforcement resources. However, it doesn't sound as though we are close enough to a decision being made on legislation to be able to include budget resources for that purpose. Therefore, Susan and I recommend using the \$5 million for Gun Show investigative efforts -- i.e., more agents.)

Let me know what you think.

--Mike

FEDERAL DRUG CONTROL FUNDING
(budget authority, in millions of dollars)

	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 1999 Emer. Supp.</u>	<u>FY 2000</u>	<u>Change from FY 1999 to FY 2000</u>	
					<u>dollars</u>	<u>percent</u>
<u>Total Spending:</u>						
Prevention	2,223	2,450	2	2,471	21	1
Treatment	3,148	3,380	2	3,569	189	6
Domestic Law Enforcement	8,586	8,842	51	9,154	312	4
Interdiction	1,637	1,810	552	1,946	135	8
International Programs	503	559	238	637	78	14
Total, Federal Drug Control Spending	16,097	17,042	844	17,777	735	4

Overview

- The budget provides \$17.8 billion for drug control efforts, \$735 million, or a 4.3 percent increase over 1999 enacted less the \$844 million in emergency funds that primarily funded a one-time capital investment in boats and planes. The request supports increases for key elements in the mission to reduce drug use and its consequences, such as drug treatment and prevention; domestic law enforcement; and other supply reduction programs.

Highlights by Major Component

- **Prevention.** The budget supports the Administration's commitment to reducing drug use among youth by providing \$2.5 billion for drug prevention programs, \$21 million, or 1 percent, more than in 1999. The centerpiece of the prevention effort is ONDCP's \$195 million National Youth Anti-Drug Media Campaign, including paid advertisements and public service announcements, targeting youth and their parents on the consequences of illicit drug use. The antidrug campaign, funded \$10 million above 1999, is "fully integrated" Nationwide, including utilization of the Internet and the entertainment industry. The budget also proposes \$50 million, \$15 million, or 43 percent more than 1999, for the School Drug Prevention Coordinators program to ensure that nearly half of the Nation's middle schools have effective local programs and school-based prevention programs linked to community-based programs. The budget provides \$22 million, \$2 million, or ten percent more than 1999, for the Drug Free Communities Act to help increase community participation in our efforts to reduce substance abuse among youth.

After rising for 6 years, teen-age use of alcohol, marijuana and other drugs remained stable for a second consecutive year, with younger teenagers even less likely to have used drugs in the past year, according to the 1998 Monitoring the Future survey. In addition, teenagers perceived risk of harm in using marijuana, which generally is predictive of a decline in marijuana use. The data for this study were collected *before* the National Youth Media Campaign began.

- **Treatment.** The budget provides \$3.6 billion to treat drug abuse, \$189 million, or 6 percent, more than in 1999. Specifically the budget requests \$1.5 billion for anti-drug activities at the Substance Abuse and Mental Health Services Administration (SAMHSA), which is \$56 million, or 4 percent more than 1999. This funding level will continue to support State anti-substance abuse activities, which target resources to local user populations, and maintains support for treatment and prevention services for pregnant women, high-risk youth, and other under-served Americans. Within SAMHSA, the budget includes an increase of \$30 million, or 2 percent, for the Substance Abuse Block Grant, the majority of which finances substance abuse treatment in states to help begin the closing of the treatment gap, as well as doubling funding for the Treatment Targeted Capacity Expansion program, which provides funds to states and localities to address emerging substance abuse problems. Finally, the budget expands the Administration's Drug Courts initiative from \$40 million in 1999 to \$50 million in 2000. This presents an alternative to incarceration for non-violent offenders who are willing to participate in, and would benefit from, rehabilitative drug treatment.
- **Domestic Law Enforcement.** The budget provides \$9.2 billion for domestic drug law enforcement, \$312 million, or 4 percent more than the 1999 base level. These funds will continue to help bolster community-based law enforcement efforts and enhance coordination among Federal, State, and local law enforcement agencies. The largest single funding increase is \$296 million associated with a federal prison population that is increasing largely because of drug arrests. The budget also proposes an increase of \$22 million for the Drug Enforcement Agency (DEA), most of which is to increase staff productivity through an improved information technology infrastructure.
- **Interdiction.** The budget includes \$1.9 billion for Interdiction efforts, \$135 million, or 8 percent more than in 1999. For the Nation's Southern tier, the budget provides \$50 million, \$7.5 million drug-related, for the technological equivalent of adding another 1,000 border patrol agents. Customs funding decreases \$25 million from 1999 level to \$664 million in 2000. This decrease is not attributed to a reduction in program effort, but rather to one-time spending in 1999, excluding the emergency supplemental, for x-ray machines. An increase of \$36 million, or 7.4 percent above 1999, expands Coast Guard interdiction operations beyond the levels initiated with 1999 emergency supplemental funding.

- **International.** The budget proposes \$277 million, \$31 million, or 13 percent more than the 1999 base level, for State Department programs to strengthen counter drug efforts in source Nations, mainly Columbia, Peru, and Bolivia. The budget also provides \$955 million for DOD to carry out international counter-drug efforts, which consists of providing training, logistics, equipment, intelligence and communications support. It also coordinates intelligence collection through radar sites and other methods. The increase of \$60 million over 1999 is primarily due to the relocation of the U.S. Government's drug mission from Panama to other localities in the region in compliance with the Panama Canal Treaty.

FEDERAL DRUG CONTROL FUNDING -- MAJOR DEPARTMENT/AGENCY
(Budget Authority, in millions)

	1998 Actual	1999 Enacted	1999 Emergency Supplemental	2000 Proposed
Defense	832	895	42	955
Education	650	663	...	690
HHS	2,523	2,859	...	3,055
HUD	310	310	...	310
Judiciary	612	647	...	731
Justice	7,340	7,696	12	7,896
ONDCP	428	448	3	454
State	220	245	233	277
Transportation	539	557	265	625
Treasury	1,346	1,393	267	1,454
Veterans Affairs	1,098	1,126	...	1,126
Other	199	203	23	204
Total	16,097	17,042	844	17,777

Other Issues

- **The 1999 Drug Emergency Supplemental.** Speaker Hastert requested that drug control and interdiction spending for the initiatives supported by the emergency supplemental not be treated as a one-time expenditure. However, the emergency funds do support primarily one-time acquisition of boats and planes, and we request funds that will support their operation for 2000 and

beyond.

- **Meeting the National Drug Control Strategy Goals.** The aggressive goals for 2002 and 2007 agreed upon through an interagency process led by ONDCP will not be simple to achieve.

21. FEDERAL DRUG CONTROL FUNDING

Table 21-1. FEDERAL DRUG CONTROL FUNDING

(Budget authority, in millions of dollars)

	1998 actual	1999 enacted	1999 Emergency Supplemental	2000 proposed	Change 1999-2000	
					Dollars	Percent
Agriculture:						
Agriculture Research Service	5	5	23	5		
U.S. Forest Service	6	7		7		
Women, Infants, Children (WIC)	16	16		17	1	5%
Total, Agriculture	26	27	23	28	1	3%
Corporation for National and Community Service	34	35		40	5	14%
Defense	832	895	42	955	60	7%
Intelligence Community Management Account	27	27		27		
Education:						
Safe and Drug Free Schools and Communities	556	566		591	25	4%
Other	94	97		99	2	2%
Total, Education:	650	663		690	27	4%
Health and Human Services:						
Administration for Children and Families	57	57		62	5	9%
Centers for Disease Control	91	143		172	29	20%
Food and Drug Administration	35	34		68	34	100%
Health Care Financing Administration	360	400		450	50	13%
Health Resources and Services Administration	48	53		56	4	7%
Indian Health Service	43	44		46	1	3%
National Institutes of Health (National Institute on Drug Abuse (NIDA)/National Institute on Alcohol Abuse and Alcoholism (NIAAA)/Office of AIDS Research (OAR))	571	648		665	17	3%
Substance Abuse and Mental Health Services Administration	1,319	1,481		1,537	56	4%
Total, Health and Human Services	2,523	2,859		3,055	196	7%
Housing and Urban Development	310	310		310		
Interior:						
Bureau of Indian Affairs	21	18		18		2%
Bureau of Land Management	5	5		5		
Fish and Wildlife Service	1	1		1		
National Park Service	9	9		10		1%
Total, Interior	37	33		33		1%
Judiciary	612	647		731	84	13%
Justice:						
Assets Forfeiture Fund	434	523		433	-90	-17%
U.S. Attorneys	173	195		296	101	52%
Bureau of Prisons	1,957	2,056		2,352	296	14%
Community Oriented Policing Services (COPS)	540	472		421	-51	-11%
Criminal Division	28	30		36	6	18%
Drug Enforcement Administration	1,208	1,289	10	1,469	180	14%
Federal Bureau of Investigation	824	873		1,045	172	20%
Federal Prisoner Detention (Support of U.S. Prisoners)	246	258		335	76	29%
Immigration and Naturalization Service	372	415	2	451	35	9%
Interagency Crime and Drug Enforcement (ICDE) (formerly Organized Crime Drug Enforcement (OCDE) Task Forces) ¹	295	304			-304	-100%
INTERPOL						7%
U.S. Marshals Service	273	283		311	29	10%
Office of Justice Programs	987	997		746	-252	-25%
Tax Division				1	1	261%
Total, Justice	7,340	7,696	12	7,896	200	3%
Labor	75	78		78		%

Table 21-1. FEDERAL DRUG CONTROL FUNDING—Continued

(Budget authority, in millions of dollars)

	1998 actual	1999 enacted	1999 Emer- gency Supple- mental	2000 proposed	Change 1999-2000	
					Dollars	Percent
Office of National Drug Control Policy:						
Salaries and Expenses, Operations, Research	49	49	1	43	-6	-12%
High Intensity Drug Trafficking Areas	162	184	.....	186	2	1%
Special Forfeiture Fund	217	215	2	225	11	5%
Total, Office of National Drug Control Policy	428	448	3	454	7	1%
Small Business Administration	0	4	.....	0	-4	-100%
State:						
International Narcotics Control Program	210	236	233	265	29	12%
Emergencies in the Diplomatic and Consular Service	2	1	.....	3	2	200%
Public Information and Education	8	8	.....	9	*	5%
Total, State	220	245	233	277	31	13%
Transportation:						
U.S. Coast Guard	485	500	265	566	66	13%
Federal Aviation Administration	23	25	.....	26	1	5%
National Highway Traffic Safety Administration	31	32	.....	32	1	2%
Total, Transportation	539	557	265	625	68	12%
Treasury:						
Bureau of Alcohol, Tobacco and Firearms	213	227	.....	248	21	9%
U.S. Customs Service	606	689	267	664	-25	-4%
Federal Law Enforcement Training Center	52	66	.....	65	-1	-2%
Financial Crimes Enforcement Network	12	13	.....	15	2	17%
Internal Revenue Service	72	73	.....	75	2	3%
U.S. Secret Service	76	91	.....	84	-7	-8%
Treasury Forfeiture Fund	241	158	.....	228	70	44%
Bureau of Interagency Law Enforcement	74	76	.....	76	.....	.....
Total, Treasury	1,346	1,393	267	1,454	62	4%
Veterans Affairs	1,098	1,126	.....	1,126	.....	.....
Total, Drug Control Programs	16,097	17,042	844	17,777	735	4%

* Less than \$500 thousand

† Beginning in FY 2000 the ICDE funds will be provided directly to individual bureaus.

OFFICE OF NATIONAL DRUG CONTROL POLICY
(Budget authority, in millions)

	<u>FY 1998</u>	<u>FY 1999*</u>	<u>FY 2000</u>	<u>Change from FY 1999 to FY 2000</u>	
				<u>dollars</u>	<u>percent</u>
<u>Discretionary Spending:</u>					
Operations	18	19	22	3	16
R&D	29	29	19	10	-34
<i>R&D Base Program (non-add)</i>	16	16	16	0	0
<i>Technology Transfer (non-add)</i>	13	13	3	-10	-77
Media Campaign	195	185	195	10	5
High Intensity Drug Trafficking Areas (HIDTA)	162	184	186	2	1
All Other	24	34	32	-2	-6
<i>Drug Free Communities Act (non-add)</i>	10	20	22	2	10
<i>Federal Drug Related Systems (non-add)</i>	0	0	8	8	800
Total, Discretionary Spending	428	451*	454	3	1

* Includes \$3 million of emergency supplemental funds.

Overview

- The budget requests \$454 million for ONDCP's drug-related activities, \$3 million, or one percent over 1999. The request supports increases for key elements in ONDCP's efforts to reduce drug use and its consequences: the Drug Free Communities Act; High Intensity Drug Trafficking Areas (HIDTA) for auditing of its services; the National Youth Media Campaign; and ONDCP operations.

Highlights by Major Component

- **Operations.** The budget requests \$22 million, \$3 million, or 16 percent increase over 1999. The increase provides for ONDCP outreach efforts and the National Clearinghouse, which provides drug-related information, and four additional staff.
- **R&D.** The budget provides \$16 million, the same level as FY 1999, for base

R&D. The budget proposes only \$3 million, down from \$13 million in FY 1999, for the technology transfer portion of the program. Lower funding for technology transfer is consistent with a February 1998 GAO report that found only 10 of the 72 R&D projects funded since the R&D program was established were cited by agency officials as usable technologies.

- **National Youth Media Campaign.** One of the centerpieces of the drug prevention effort is ONDCP's \$195 million National Youth Anti-Drug Media Campaign, including paid advertisements and public service announcements, targeting youth and their parents on the consequences of illicit drug use. The antidrug campaign, funded \$10 million above 1999, is "fully integrated" Nationwide, including utilization of the Internet and the entertainment industry.

After rising for 6 years, teen-age use of alcohol, marijuana and other drugs remained stable for a second consecutive, with younger teenagers even less likely to have used drugs in the past year, according to the 1998 Monitoring the Future survey. In addition, teenagers perceived risk of harm in using marijuana, which generally is predictive of a decline in marijuana use. The data for this study were collected *before* the National Youth Media Campaign began.

- **High Intensity Drug Trafficking Areas (HIDTA).** Baseline funding for the HIDTA program is level funded at \$184 million for 2000. An additional \$1.6 million, which brings the full HIDTA request to \$186 million, is to enhance auditing of HDTAs. When the program was created, there were five HDTAs focused on the most problematic drug trafficking areas (NYC, Miami, San Diego, Southwest border, and Houston) with the primary purpose of coordinating law enforcement activities. Because of Congressional earmarkings, we have 21 HDTAs, many of questionable merit.
- **Drug Free Communities Act.** The budget provides \$22 million, \$2 million, or ten percent more than 1999, for the Drug Free Communities Act to help increase community participation in efforts to reduce substance abuse among youth. The budget request, however, is \$8 million below the authorized level of \$30 million for 2000: Rep. Sander Levin requested that funding should be at the authorized level.
- **Federal Drug-Related Data Systems.** The budget provides \$8 million for a new initiative to improve the Federal Drug-Related Systems. Roughly one-third of the measures required to track progress in achieving the targets of the National Drug Control Strategy's Performance Measures of Effectiveness (PMEs) need to be developed, and this funding provides assistance for modifying the current Federal Drug-Related Systems to obtain the missing data.

ONDCP's Budget
(in millions of dollars)

	FY 98 Estimated	FY 99 Request	FY 99 Enacted	FY 00 Guidance	FY 00 Passback	FY 00 Appeal	FY 00 Pres. Bud.
Salaries and Expenses:							
Operations	18.0	19.4	19.1		19.9	24.1	21.9
CTAC	16.0	16.0	16.0		16.0	16.0	16.0
CTAC Tech Transfer	13.0	0.0	13.0		3.0	3.0	3.0
Policy Research	1.0	1.0	1.1				
Nat'l Alliance for Model State Drug Laws	1.2	0.0	1.0				
Policy Research and Nat'l All. Model State Drug Laws					2.2	2.2	2.2
Subtotal	49.2	36.4	50.2	36.0	41.1	45.3	43.1
Federal Drug Control Programs:							
HIDTA	162.0	162.0	184.0		184.0	187.3	185.6
Special Forfeiture Fund:							
Media Campaign		195.0	185.0		195.0	195.0	195.0
Drug Free Communities	10.0	20.0	20.0		20.0	30.0	22.0
Federal Drug Systems and ...	0.0	0.0	0.0		0.0	15.0	3.3
Intelligence Architecture	0.0	0.0	0.0		0.0	10.0	0.0
National Drug Court Institute		0.0	2.0		0.0	0.0	0.0
Hardcore User Study	0.0	10.0	5.0		0.0	0.0	0.0
Agr. Research Service	0.0	0.0	4.5		0.0	0.0	0.0
Discretionary		26.0	0.0		5.0	5.0	5.0
Subtotal, SFF	217.0	251.0	216.5		220.0	255.0	225.3
Subtotal, Federal Drug Control Programs	379.0	413.0	400.5	413.0	404.0	442.3	410.9
ONDCP Total	428.2	449.4	450.7	449.0	445.1	487.6	454.0
Outlay			429.6	446.0	443.5	469.8	449.2



Jose Cerda III

12/07/98 09:36:05 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Budget for New Initiatives

BR:

Per your request last night, here's my best take on where we are with the Budget folks:

1. COPS II -- Need another \$750 million for COPS not to be cut from its \$1.4 billion funding level. OMB's budget already includes \$650 million in initiatives that can be absorbed by COPS II. These include:

(1) \$300 million for COPS I, w/earmarks for Indians, school safety, police corps, bulletproof vests, and DC initiative;

(2) \$100 million for juvie prosecutors;

(3) \$50 million for community prosecutors;

(4) \$100 million for state and local police communications, which would be loosely tied to OMB's fee for the re-sale of analog spectrum;

(5) Nearly \$100 million in related technology projects, including -- \$45 million for Brady records and sex offender registries, \$27 million to improve forensics/DNA improvements, and \$20 million for crime mapping, local crime surveys and other relatively low-tech items that are essential to community policing.

NB: While incorporating the above items will generally allow OMB to avoid finding new money, some of the items -- such as community prosecutors and crime mapping -- are currently funded through earmarks in Byrne discretionary and will not yield savings unless OMB cuts those programs by the same amount.

2. Firearms Enforcement Initiative -- need \$25 million to cobble together a firearms initiative.

Currently, the only new money we have for firearms enforcement is \$6 million for increased tracing and some new agents in about 5 cities -- giving us a total budget of \$34 million for the President's gun trafficking/tracing initiative. With \$25 million in new money to hire more ATF agents and AUSAs in about 10 to 15 cities -- and with \$25 million earmarks in COPS hiring and community prosecutors -- we could launch a respectable firearms enforcement initiative that targets just over \$100 million for increased gun enforcement. This should include Brady, trafficking and exile-type cases. While DOJ and Treasury haven't supported such an approach to date, they will be thanking us when/if they get any new money for gun cases.

3. Other Crime Bill programs -- \$200 million for other crime bill program, including -- \$100 million for drug courts/coerced abstinence, and \$100 million for Certainty of Punishment (enhanced probation).

- between
50 + 116
6 Numb Appeal
→ Adult Education

\$500 million - more offsets
- under \$1 billion
- MCE
① Budget / DRUGS
② GANG ORDINANCE
③ DRUG TESTING? BUDGET
④ VICTIMIZATION
⑤ CRIME BILL MEETING

11 45 million
↓
ABORIGINAL SAFETY

NEW CRIME INITIATIVES
USES OF FUNDS FOR FY 2000 BUDGET
(Dollars in Billions)

DISCRETIONARY	Request	OMB Passback	AGCY Appeal	WH Priorities	COMMENTS
	FY 2000	FY 2000	FY 2000	FY 2000	
COPS II	0.315	0.3	0.0	1.4	\$650 M in offsets <u>and</u> \$650 M in new money identified; <u>still</u> <u>\$100 M short.</u>
Firearms Enf. Initiative	0.021	0.006	0.0	.031	Need \$25 M in <u>new</u> funds for 200 new agents and prosecutors (\$15 M for ATF; \$10 M for DOJ). To be coupled w/\$78 M already in budget for total of \$109 M.
Certainty of Punishment	0.060	0.005	0.0	0.100	Need \$95 M to fund. Could be alternative to prison funding.
Coerced Abstinence	0.187	0.153	0.085	0.250	Need \$97 M to fund. Could be alternative to prison funding.

**NEW CRIME INITIATIVES
USES OF FUNDS FOR FY 2000 BUDGET**
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