

105th Congress, 1st Session - - - - - House Document 105-19

MAKING AVAILABLE APPROPRIATIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS REQUEST TO MAKE AVAILABLE APPROPRIATIONS TOTALING \$75,000,000 TO THE DEPARTMENT OF JUSTICE, \$10,525,000 TO THE DEPARTMENT OF STATE, \$3,171,000 TO THE JUDICIARY, AND \$112,900,000 TO THE SPECIAL FORFEITURE FUND WITHIN FUNDS APPROPRIATED TO THE PRESIDENT—RECEIVED IN THE UNITED STATES HOUSE OF REPRESENTATIVES NOVEMBER 12, 1996, PURSUANT TO 31 U.S.C. 1107



JANUARY 19, 1997.—Referred to the Committee on Appropriations and ordered to be printed

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WASHINGTON : 1997

THE WHITE HOUSE
Washington, November 12, 1996.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In accordance with provisions of P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, I hereby make available appropriations totaling \$75,000,000 to the Department of Justice, \$10,525,000 to the Department of State, \$3,171,000 to the Judiciary, and \$112,900,000 to the Special Forfeiture Fund within Funds appropriated to the President. These previously appropriated funds will be used to:

Provide local governments with resources for training fire-fighters and emergency services workers.

Develop counter-terrorism technologies to help State and local law enforcement agencies combat terrorism.

Facilitate the ability of the FBI and other law enforcement agencies to conduct court-authorized wiretaps of digital telecommunications equipment.

Improve the security posture of United States diplomatic facilities vulnerable to terrorist threats.

Assist the Judiciary in handling additional workload resulting from the Antiterrorism and Effective Death Penalty Act of 1996 and in providing for court security needs.

Enhance drug control programs, including the air interdiction program, methamphetamine reduction efforts, and other drug control activities.

I designate all of the amounts made available as emergency funding requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The details of these actions are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with his comments and observations.

Sincerely,

WILLIAM J. CLINTON.

Enclosures.

Estimate No. 26
104th Congress, 2nd Session



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 12, 1996

THE DIRECTOR

The President

The White House

Submitted for your consideration are requests to make available emergency funds totaling \$75,000,000 to the Department of Justice, \$10,525,000 to the Department of State, and \$3,171,000 to the Judiciary. Your approval of these requests will make available previously appropriated funds to further the goals of your anti-terrorism, counter-terrorism, and security initiatives. Also submitted for your consideration is a request to make available emergency funds totaling \$112,900,000 to the Special Forfeiture Fund within Funds Appropriated to the President to enhance drug control programs. All of the requested funds were provided in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997.

Programmatic Increases

Designation of these funds as emergency requirements will:

- Provide localities with funding to conduct training in firefighting and emergency services, authorized under section 819 of P.L. 104-132, the Antiterrorism and Effective Death Penalty Act of 1996.
- Develop counter-terrorism technologies to help State and local law enforcement agencies combat terrorism as authorized under section 821 of the Antiterrorism and Effective Death Penalty Act of 1996.
- Reimburse telecommunications carriers, equipment manufacturers, and providers of telecommunications support services for implementing technology changes under the Communications Assistance for Law Enforcement Act (CALEA). These changes are urgently needed so that the FBI and other law enforcement agencies can conduct court-authorized wiretaps of digital telecommunications equipment.
- Improve the security posture of United States diplomatic facilities vulnerable to terrorist threats.
- Enable the Judiciary to handle the additional workload resulting from the Antiterrorism and Effective Death Penalty Act of 1996 and to provide for court security needs.

- Enhance drug control programs, including the air interdiction program, methamphetamine reduction efforts, and other drug control activities.

Technical Adjustments

The designation of an emergency requirement for the Department of State is necessary because the Congress provided emergency funds to the Department of State in P.L. 104-208 that you had originally requested for other agencies. Likewise, the Congress provided the emergency funds requested for the Judiciary to one account instead of to the three accounts for which funds were originally requested.

P.L. 104-208 provided \$24.8 million in emergency funding for security and maintenance of U.S. missions worldwide. The availability of \$10.5 million of this amount was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. The legislation stipulates that \$9.4 million is to be used for security projects on behalf of United States and Foreign Commercial Service (USFCS) missions, and \$1.1 million is to be used for security projects on behalf of United States Information Agency (USIA) missions.

Your September 12th request to Congress for additional emergency resources required in the wake of recent acts of domestic and international terrorism included funds for anti-terrorism enhancements at both USFCS and USIA missions. The funds were requested to be provided directly to the Department of Commerce and USIA, respectively. The funding enacted in P.L. 104-208 for security enhancements at these missions was provided to the Department of State because of the Department's general management responsibility and experience in providing for facility needs overseas. The Administration does not object to this merger of funds. Of the total \$24.8 million provided by the Congress as emergency funding, \$14.3 million was originally requested as an emergency requirement for the Department of State and, therefore, the funds were available immediately upon enactment of P.L. 104-208.

Also in your September 12th request to the Congress was \$10.0 million in emergency funding requested by and for the Judiciary. In P.L. 104-208, the Congress provided the full amount requested, but provided all of the funds to the Salaries and Expenses account of the Courts of Appeals, District Courts, and Other Judicial Services instead of to the three accounts for which funds were originally requested. As a result, the amount provided by the Congress to the Salaries and Expenses account exceeded the amount of your emergency designation for that account.

Recommendation

I recommend that you designate the \$75,000,000 for the Department of Justice, the \$10,525,000 for the Department of State, the \$3,171,000 for the Judiciary, and the \$112,900,000 for the Funds Appropriated to the President as emergency funding requirements in accordance with section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. No further legislative action by the Congress is required.

I have carefully reviewed these proposals and am satisfied that they are necessary at this time. Therefore, I join the heads of affected departments, agencies, and offices in recommending that you approve these requests by signing the enclosed letter to the Speaker of the House of Representatives.

Sincerely,



Franklin D. Raines
Director

Enclosures

**EMERGENCY APPROPRIATIONS: AMOUNTS PREVIOUSLY APPROPRIATED
MADE AVAILABLE BY THE PRESIDENT**

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Telecommunications Carrier
Compliance Fund..... \$60,000,000

Title I, Omnibus Appropriations, contained in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, provided \$60 million in contingent emergency appropriations for the Federal Bureau of Investigation. The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. This funding is needed to reimburse telecommunications carriers, equipment manufacturers, and providers of telecommunications support services for implementing technology changes under the Communications Assistance for Law Enforcement Act (CALEA). These changes are urgently needed so that the FBI and other law enforcement agencies can conduct court-authorized wiretaps of digital telecommunications equipment.

In both the FY 1996 and FY 1997 Budgets, the President requested \$100 million for carrier compliance. These emergency funds will be the first made available to the program.

OFFICE OF JUSTICE PROGRAMS

Justice Assistance..... \$15,000,000

Title I, Omnibus Appropriations, contained in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, provided \$17 million in contingent emergency appropriations for the Office of Justice Programs for Local Firefighter and Emergency Services Training Grants. Funds were provided for the following purposes:

- \$5 million for Local Firefighter and Emergency Services Training Grants authorized under section 819 of P.L. 104-132, the Antiterrorism and Effective Death Penalty Act of 1996.
- \$10 million for development of counter-terrorism technologies to help State and local law enforcement agencies combat terrorism as authorized by section 821 of the Antiterrorism and Effective Death Penalty Act of 1996.

- \$2 million for specialized, multi-agency response training.

The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. The \$2 million for specialized, multi-agency response training was designated by the President as an emergency requirement in his September 12, 1996, anti-terrorism request to the Congress. At this time, the remaining \$5 million for local firefighter and emergency services training and the \$10 million for the development of counter-terrorism technologies are needed for emergency requirements.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Security and Maintenance of United States
Missions..... \$10,525,000

Title I, Omnibus Appropriations, contained in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, provided \$24,825,000 in emergency funding to the Department of State for anti-terrorism enhancements necessary for the security of U.S. missions worldwide. The availability of \$10,525,000 of this amount was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. At this time, the \$10,525,000 is needed for emergency requirements.

The \$10,525,000 will be used to improve the security posture of U.S. diplomatic facilities vulnerable to terrorist threats, including non-chancery United States and Foreign Commercial Service (USFCS) locations and non-chancery United States Information Agency (USIA) facilities. Funds will be used to provide security upgrades, including: (1) construction of walls or other barriers to improve perimeter security; (2) relocation of staff from physically vulnerable space; (3) installation of blast resistant windows; and, (4) other security equipment and projects as necessary.

Pursuant to P.L. 104-208, \$9,400,000 will be allocated for security projects on behalf of USFCS missions, and \$1,125,000 will be allocated for security projects on behalf of USIA missions.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Salaries and Expenses..... \$3,171,000

Title I, Omnibus Appropriations, contained in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, provided \$10 million in contingent emergency appropriations for Salaries and Expenses for the expenses related to additional workload resulting from the Antiterrorism and Effective Death Penalty Act of 1996 and for court security needs. The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. Of the \$10 million provided to this account, \$6,829,000 was designated by the President as an emergency requirement in his September 12, 1996, anti-terrorism request to the Congress. At this time, the remaining \$3,171,000 is needed for emergency requirements.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

Special Forfeiture Fund..... \$112,900,000

Title I, Omnibus Appropriations, contained in P.L. 104-208, the Omnibus Consolidated Appropriations Act, FY 1997, provided \$112,900,000 to Funds Appropriated to the President, Special Forfeiture Fund. The availability of these funds was made contingent upon the President submitting a supplemental request to the Congress pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Of the \$112,900,000 provided, \$42,000,000 will be transferred to the United States Customs Service for the conversion of P-3 AEW aircraft for the air interdiction program; \$10,000,000 will be available for transfer to other Federal agencies for methamphetamine reduction efforts; and \$60,900,000 will be available to the Director of the Office of National Drug Control Policy for enhancing other drug control activities and transfer to other Federal agencies.