

DEPARTMENT OF JUSTICE APPROPRIATION  
AUTHORIZATION ACT, FISCAL YEARS 1999, 2000, AND 2001

MAY 12, 1998.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 3303]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3303) to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice; and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Department of Justice Appropriation Authorization Act, Fiscal Years 1999, 2000, and 2001”.

**TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1999, 2000, AND 2001**

**Subtitle A—Specific Provisions**

**SEC. 101. SUMS AUTHORIZED TO BE APPROPRIATED.**

There are authorized to be appropriated for fiscal years 1999, 2000, and 2001, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof), the following sums:

(1) For General Administration, salaries and expenses: \$238,085,000 for fiscal year 1999, \$249,989,000 for fiscal year 2000, and \$262,489,000 for fiscal year 2001.

(2) For Administrative Review and Appeals: \$144,863,000 for fiscal year 1999, \$152,106,000 for fiscal year 2000, and \$159,712,000 for fiscal year 2001, for administration of pardon and clemency petitions and for immigration related activities.

(3) For the Office of Inspector General: \$34,610,000 for fiscal year 1999, \$36,341,000 for fiscal year 2000, and \$38,158,000 for fiscal year 2001, which shall include—

(A) not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General; and

(B) funds for the purchase, lease, maintenance, and operation of motor vehicles without regard to the general purchase price limitation.

(4) For General Legal Activities: \$485,506,000 for fiscal year 1999, \$509,781,000 for fiscal year 2000, and \$535,270,000 for fiscal year 2001, which shall include—

(A) not less than \$4,000,000 for each fiscal year for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed \$20,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General.

(5) For the Antitrust Division: \$102,845,000 for fiscal year 1999, \$107,987,000 for fiscal year 2000, and \$113,386,000 for fiscal year 2001.

(6) For United States Attorneys: \$1,106,993,000 for fiscal year 1999, \$1,162,343,000 for fiscal year 2000, and \$1,220,460,000 for fiscal year 2001.

(7) For the Federal Bureau of Investigation: \$3,014,654,000 for fiscal year 1999, \$3,164,679,000 for fiscal year 2000, and \$3,322,913,000 for fiscal year 2001, which shall include—

(A) not to exceed \$14,146,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended; and

(B) not to exceed \$70,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General.

(8) For the United States Marshals Service: \$529,143,000 for fiscal year 1999, \$554,785,000 for fiscal year 2000, and \$582,525,000 for fiscal year 2001, which shall include—

(A) not to exceed \$6,300,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended; and

(B) \$10,000,000 for each fiscal year for administrative expenses of the Justice Prisoner and Alien Transportation System to remain available until expended.

(9) For the Drug Enforcement Administration: \$1,193,102,000 for fiscal year 1999, \$1,252,358,000 for fiscal year 2000, and \$1,314,994,000 for fiscal year 2001, which shall include—

(A) not to exceed \$8,000,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended;

(B) not to exceed \$70,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General or the Deputy Attorney General; and

(C) not to exceed \$15,000,000 for each fiscal year for diversion control.

(10) For the Immigration and Naturalization Service: \$2,727,490,000 for fiscal year 1999, \$2,839,756,000 for fiscal year 2000, and \$2,981,544,000 for fiscal year 2001, which shall include—

(A) not to exceed \$118,170,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended;

(B) not to exceed \$50,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General; and

(C) not to exceed \$4,000,000 for each fiscal year to establish and operate—

(i) a district office in Memphis, Tennessee, for the States of Tennessee, Arkansas, and Kentucky, and the portion of the State of Mississippi north of the city of Jackson;

(ii) a district office in San Jose, California, for the counties of Monterey, Santa Clara, San Benito, and Santa Cruz of the State of California;

(iii) a sub-office in Nashville, Tennessee, for the counties of Anderson, Blount, Campbell, Cannon, Carter, Cheatam, Claiborne, Clay, Coker, Cumberland, Davidson, DeKalb, Dickson, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Houston, Humphries, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, Monroe, Montgomery, Morgan, Overton, Pickett, Putnam, Roane, Robertson, Rutherford, Scott, Sevier, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Washington, White, Williamson, and Wilson of the State of Tennessee; and

(iv) a district office in Charlotte, North Carolina, for the States of North Carolina and South Carolina.

(11) For Fees and Expenses of Witnesses: \$95,000,000 for fiscal year 1999, \$99,750,000 for fiscal year 2000, and \$104,738,000 for fiscal year 2001, which shall remain available until expended and which shall include not to exceed

\$6,000,000 for each fiscal year for planning, construction, renovation, maintenance, remodeling, and repair of buildings, and the purchase of equipment incidental thereto, for protected witness safesites.

(12) For Interagency Crime and Drug Enforcement: \$304,014,000 for fiscal year 1999, \$319,215,000 for fiscal year 2000, and \$335,176,000 for fiscal year 2001, for expenses not otherwise provided for, for the investigation and prosecution of individuals involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(13) For the Federal Prison System, including the National Institute of Corrections: \$4,508,480,000 for fiscal year 1999, \$4,733,900,000 for fiscal year 2000, and \$4,970,595,000 for fiscal year 2001.

(14) For the Foreign Claims Settlement Commission: \$1,335,000 for fiscal year 1999, \$1,402,000 for fiscal year 2000, and \$1,472,000 for fiscal year 2001.

(15) For the Community Relations Service: \$8,899,000 for fiscal year 1999, \$9,344,000 for fiscal year 2000, and \$9,812,000 for fiscal year 2001.

(16) For the Assets Forfeiture Fund: \$23,000,000 for fiscal year 1999, \$24,150,000 for fiscal year 2000, and \$25,358,000 for fiscal year 2001, as may be necessary for the payment of expenses as authorized by section 524 of title 28, United States Code.

(17) For Support of United States Prisoners in Non-Federal Institutions: \$450,858,000 for fiscal year 1999, \$473,401,000 for fiscal year 2000, and \$497,072,000 for fiscal year 2001, which shall remain available until expended. Such sums may be expended to reimburse appropriate health care providers for the care, diagnosis, and treatment of United States prisoners and individuals adjudicated in Federal courts as not guilty by reason of insanity, but only at rates that do not exceed the actual cost of such care, diagnosis, and treatment. Not to exceed \$20,000,000 for each fiscal year shall remain available until expended for the purpose of entering into contracts for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof for purposes of renovating, constructing, and equipping any facility that confines Federal detainees, in accordance with regulations to be issued by the Attorney General comparable to the regulations issued under section 4006 of title 18, United States Code.

(18) For the United States Parole Commission: \$7,621,000 for fiscal year 1999, \$8,002,000 for fiscal year 2000, and \$8,402,000 for fiscal year 2001.

#### **SEC. 102. FEDERAL PRISON INDUSTRIES.**

Notwithstanding section 4129 of title 18, United States Code, not to exceed \$3,266,000 for fiscal year 1999, and not to exceed \$3,429,000 for fiscal year 2000, and not to exceed \$3,601,000 for fiscal year 2001, of the funds available to Federal Prison Industries may be used for—

(1) administrative expenses; and

(2) services authorized by section 3109 of title 5, United States Code;

to be computed on an accrual basis in accordance with the current prescribed accounting system of Federal Prison Industries. Such funds shall be exclusive of depreciation, payment of claims, and expenditures that such accounting system requires to be capitalized or charged to the cost of commodities acquired or produced (including selling and shipping expenses) and expenses incurred in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property of Federal Prison Industries.

## **Subtitle B—General Provisions**

#### **SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.**

(a) **APPOINTMENTS REQUIRED.**—Not later than September 30, 2000, the Attorney General may exercise authority under section 542 of title 28, United States Code, to appoint 200 assistant United States attorneys in addition to the number of assistant United States attorneys serving on the date of the enactment of this Act.

(b) **SELECTION OF APPOINTEES.**—Individuals first appointed under subsection (a) shall be appointed from among attorneys who are incumbents of 200 full-time litigation positions in divisions of the Department of Justice and whose official duty station is at the seat of Government.

(c) **TERMINATION OF POSITIONS.**—Each of the 200 litigation positions that become vacant by reason of an appointment made in accordance with subsections (a) and (b) shall be terminated at the time the vacancy arises.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1999 and 2000 to carry out this section.

## TITLE II—AUTHORIZATIONS OF APPROPRIATIONS FOR PROGRAMS

### SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.

(a) EXPEDITIOUS DEPORTATION FOR DENIED ASYLUM APPLICANTS.—Section 130005(c) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1158 note) is amended—

- (1) in paragraph (3) by striking “and” at the end,
- (2) in paragraph (4) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(5) \$90,000,000 for fiscal year 1999; and
  - “(6) \$90,000,000 for fiscal year 2000.”.

(b) AMENDMENTS TO VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat 1910) is amended—

- (1) in paragraph (2) by striking “and” at the end,
- (2) in paragraph (3) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(4) \$500,000 for fiscal year 1999; and
  - “(5) \$500,000 for fiscal year 2000.”.

(c) IMPROVING BORDER CONTROLS.—Section 130006(a) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1101 note) is amended—

- (1) in paragraph (3) by striking “and” at the end,
- (2) in paragraph (4) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(5) \$200,000,000 for fiscal year 1999; and
  - “(6) \$200,000,000 for fiscal year 2000.”.

(d) EXPANDED SPECIAL DEPORTATION PROCEEDINGS.—Section 130007(d) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

- (1) in paragraph (3) by striking “and” at the end,
- (2) in paragraph (4) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(5) \$2,000,000 for fiscal year 1999; and
  - “(6) \$2,000,000 for fiscal year 2000.”.

(e) TRAINING PROGRAMS.—Section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941(c)) is amended by striking paragraphs (1) and (2), and inserting the following:

- “(1) \$1,000,000 for fiscal year 1999; and
- “(2) \$1,000,000 for fiscal year 2000.”.

(f) MISSING ALZHEIMER’S DISEASE PATIENT ALERT PROGRAM.—Section 240001(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181(d)) is amended—

- (1) in paragraph (2) by striking “and” at the end,
- (2) in paragraph (3) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(4) \$900,000 for fiscal year 1999; and
  - “(5) \$900,000 for fiscal year 2000.”.

(g) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—Section 220002(h) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14171(h)) is amended—

- (1) in paragraph (2) by striking “and” at the end,
- (2) in paragraph (3) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(4) \$750,000 for fiscal year 1999; and
  - “(5) \$750,000 for fiscal year 2000.”.

(h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

- (1) in subparagraph (B) by striking “and” at the end,
- (2) in subparagraph (C) by striking the period at the end and inserting a semicolon, and
- (3) by adding at the end the following:
  - “(D) \$15,000,000 for fiscal year 1999; and
  - “(E) \$15,000,000 for fiscal year 2000.”.

**SEC. 202. AMENDMENTS TO THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.**

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1214) is amended—

- (1) in section 819(b) by striking “for fiscal” and all that follows through “section”, and inserting “to carry out this section \$5,000,000 for fiscal year 1999 and \$5,000,000 for fiscal year 2000”, and
- (2) in section 821 by striking “not more than \$10,000,000 for fiscal year 1997” and inserting “\$10,000,000 for fiscal year 1999 and \$10,000,000 for fiscal year 2000”.

**SEC. 203. AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE.**

Section 524(c)(9)(B) of title 28, United States Code, is amended—

- (1) by striking “year 1997” and inserting “years 1999 and 2000”; and
- (2) by adding at the end the following:

“Such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred.”.

**SEC. 204. COMMUNICATIONS ASSISTANCE.**

Section 110 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1009) is amended by striking “and 1998” and inserting “1998, 1999, and 2000”.

**SEC. 205. CRIMINAL ALIEN ASSISTANCE.**

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking subparagraphs (A) through (F) and inserting the following:

- “(A) \$750,000,000 for fiscal year 1999;
- “(B) \$800,000,000 for fiscal year 2000; and
- “(C) \$850,000,000 for fiscal year 2001.”.

## **TITLE III—PERMANENT ENABLING PROVISIONS**

**SEC. 301. PERMANENT AUTHORITY.**

(a) AMENDMENT.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

**“§ 530B. Authority to use available funds**

“(a) PERMITTED USES.—Except to the extent provided otherwise by law applicable to funds available to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) and in addition to authority provided in subsections (a) and (b) of section 524 of this title, the Attorney General may use such funds as follows:

“(1) GENERAL PERMITTED USES.—Such funds may be used for the following:

“(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then current fiscal year.

“(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.

“(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

“(D) Not to exceed \$200,000 for each fiscal year for official receptions and representation expenses, in accordance with distributions, procedures, and regulations established by the Attorney General.

“(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

“(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

“(G) In accordance with procedures established and regulations issued by the Attorney General—

“(i) attendance at meetings and seminars;

“(ii) conferences and training; and

“(iii) advances of public moneys under section 3324 of title 31.

Travel advances of such funds to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

“(H) For the conduct of its activities, including for contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

“(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and regulations issued by the Attorney General.

“(2) SPECIFIC PERMITTED USES.—

“(A) AIRCRAFT AND BOATS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

“(B) PAYMENT OF REWARDS; PURCHASE OF EVIDENCE.—Funds available for the Federal Bureau of Investigation, for the Drug Enforcement Administration, for the Immigration and Naturalization Service, and for the Federal Prison System may be used for the payment of rewards, for the purchase of evidence, and for payment for information in connection with law enforcement.

“(C) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for—

“(i) the purchase of ammunition and firearms; and

“(ii) participation in firearms competitions.

“(3) UNIFORMS.—Funds available for the Immigration and Naturalization Service and for the Federal Prison System may be used for expenses or allowances for uniforms as authorized by section 5901 of title 5 but without regard to the general purchase price limitation for the then current fiscal year.

“(4) FEES AND EXPENSES OF WITNESSES.—Funds available for Fees and Expenses of Witnesses may be used for expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law (including advances of public money), but no witness may be paid more than 1 attendance fee for any 1 calendar day.

“(5) FEDERAL BUREAU OF INVESTIGATION.—(A) Funds available to the Federal Bureau of Investigation may be used for the conduct of its activities, including for—

“(i) expenses necessary for the detection and prosecution of crimes against the United States;

“(ii) protection of the person of the Attorney General;

“(iii) investigations regarding official matters under the control of the Department of Justice and the Department of State, as may be directed by the Attorney General;

“(iv) the confidential lease of surveillance sites for law enforcement purposes; and

“(v) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, of cities, and of such other institutions, as authorized by law, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies.

“(B)(i) The Federal Bureau of Investigation may establish and collect fees for the processing of noncriminal employment and licensing fingerprint records. Such fees shall represent the full cost of furnishing the service.

“(ii) Such fees collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to section 3302(b) of title 31 and, to the extent specified in appropriations Acts, shall be available until expended for salaries and other expenses incurred in processing such records.

“(iii) No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

“(6) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available for the Immigration and Naturalization Service may be used for the administration and enforcement of laws relating to immigration, naturalization, and alien registration, including for—

“(A) acquisition of land as sites for enforcement fences, and construction incidental to such fences;

“(B) cash advances to aliens for meals and lodging en route;

“(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

“(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

“(7) FEDERAL PRISON SYSTEM.—Funds available for the Federal Prison System may be used for the conduct of its activities, including for—

“(A) the administration, operation, and maintenance of Federal penal and correctional institutions, including inmate medical services and inmate legal services, within the Federal prison system;

“(B) planning, acquisition of sites, and construction of new facilities, including—

“(i) the purchase and acquisition of facilities, and remodeling and equipping of such facilities, for penal and correctional institutions; and

“(ii) the payment of United States prisoners for work performed in the activities described in this subparagraph;

which shall remain available until expended;

“(C) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18;

“(D) the labor of the United States prisoners performed in the construction, remodeling, renovating, converting, expanding, planning, designing, maintaining, or equipping of prison buildings or facilities; and

“(E) the purchase and exchange of farm products and livestock.

“(b) RELATED PROVISIONS.—

“(1) LIMITATION ON COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.—None of the funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

“(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as a reimbursement to a governmental unit in the Department of Justice, to another Federal entity, or to a unit of State or local government may be used under the authority applicable to such unit or such entity that receives such reimbursement.”.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, is amended by adding at the end the following:

“530B. Authority to use available funds.”.

**SEC. 302. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.**

(a) AMENDMENT.—Chapter 31 of title 28, United States Code, as amended by section 301, is amended by adding at the end the following:

**“§ 530C. Report on enforcement of laws**

“(a) REPORT REQUIRED.—The Attorney General shall transmit a report to each House of the Congress in any case in which the Attorney General—

“(1) establishes a policy to refrain from enforcing any provision of any Federal statute whose enforcement is the responsibility of the Department of Justice, because of the position of the Attorney General that such provision is not constitutional; or

“(2) determines that the Department of Justice will contest, or will refrain from defending, in any judicial, administrative, or other proceeding, any provision of any Federal statute, because of the position of the Attorney General that such provision is not constitutional.

“(b) DEADLINE FOR REPORT.—Any report required by subsection (a) shall be transmitted not later than 30 days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—

“(1) specify the provision of the Federal statute involved;

“(2) include a detailed statement of the reasons for the position of the Attorney General; and

“(3) in the case of a determination specified in subsection (a)(2), indicate the nature of the proceeding involved.

“(c) DECLARATION.—In the case of a determination specified in subsection (a)(2), the representative of the Department of Justice participating in the proceeding shall make a declaration in such proceeding that the position of the Attorney General on the constitutionality of the provision of the Federal statute involved is the position of the executive branch of the Federal Government.”.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, as amended by section 301, is amended by adding at the end the following:

“530C. Report on enforcement of laws.”.

#### **SEC. 303. PROTECTION OF THE ATTORNEY GENERAL.**

Section 533(2) of title 28, United States Code, is amended by inserting “or the person of the Attorney General” before the semicolon at the end.

## **TITLE IV—MISCELLANEOUS**

#### **SEC. 401. REPEALERS.**

(a) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—Chapter 319 of title 18, United States Code, is amended—

(1) by striking section 4353; and

(2) in the table of sections for such chapter by striking the item relating to section 4353.

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

#### **SEC. 402. TECHNICAL AMENDMENT.**

Section 524(c)(5) of title 28, United States Code, is amended by striking “Fund” the 2nd place it appears and inserting “Fund.”.

#### **SEC. 403. APPLICABILITY OF TITLE III.**

The amendments made by title III shall not apply with respect to funds available for any fiscal year ending before fiscal year 1999.

### **PURPOSE AND SUMMARY**

H.R. 3303, the “Department of Justice Appropriation Authorization Act, Fiscal Years 1999, 2000, and 2001,” is a comprehensive three-year reauthorization of the Justice Department’s activities and programs. The bill contains four titles. Title I authorizes appropriations to carry out the work of the various components of the Department for fiscal years 1999, 2000, and 2001. Title I largely adheres to the Department’s budget request for fiscal year 1999 by

providing \$15,499,000,000,<sup>1</sup> and it would authorize a 5% increase for fiscal years 2000 and 2001.<sup>2</sup> The proposed increases for fiscal years 2000 and 2001, though an approximation of the Department's actual budgetary requirements, are the result of consultations with the Department and an analysis of the historical trend. The Committee has a high degree of confidence that the H.R. 3303 appropriation authorizations for fiscal years 2000 and 2001 are accurate.

Section 151 of Title I would authorize the Attorney General to transfer 200 lawyers from among the six litigating divisions at Justice Department headquarters in Washington, D.C. to the U.S. Attorneys. The provision is intended to raise the productivity of Washington-based lawyers, who litigate criminal and civil cases for the Department across the nation, by moving them to the field.

Title II reauthorizes for two additional years a number of successful programs whose authorizations will expire at the end of fiscal year 1998. These reauthorized programs will, for example, expedite the deportation of aliens who have been denied asylum, combat violence against women, and fund specialized training for and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

Title III would permanently authorize numerous inherent and noncontroversial functions of the Department. Finally, Title IV would, among other things, repeal the permanent open-ended authorization of the United States Marshals Service, which is unique among Department components. Title III of the bill would grant the Marshals Service narrower permanent authority in line with the permanent authority to be granted other Department components.

#### BACKGROUND AND NEED FOR THE LEGISLATION

Authorization is the process by which Congress creates, amends, and extends programs in response to national needs. Authorization is perhaps the most important oversight tool that a committee can employ. Through authorization, legislative committees establish program objectives and set ceilings on the amounts that may be appropriated for them. Once a federal program has been authorized, the Appropriations Committee recommends the actual budget authority, which allows federal agencies to enter into obligations and actually spend the money that is authorized.

Until recent years, many authorizations were permanent, being provided for by the organic statutes that created the agencies and programs. The authorizing language in these statutes was often written in an opened-ended fashion, such as "there are hereby authorized to be appropriated hereafter such sums as may be necessary." These opened-ended authorizations required the appropriate budget authority to be enacted each year.

Today, Congress typically authorizes appropriations for a limited period of time. Authorizations may extend for one, five, or 10 years, and they may be renewed periodically. With respect to the Department of Justice, the law requires that all money appropriated must

<sup>1</sup>The Department's total budget request for fiscal year 1999 exceeds \$20 billion. A portion of the Department's activities fall outside the jurisdiction of the Committee.

<sup>2</sup>\$16,224,000,000 and \$16,484,000,000 would be authorized for fiscal years 2000 and 2001 respectively.

first be authorized by an act of Congress.<sup>3</sup> Notwithstanding this obligation to authorize, Congress has not reauthorized the Department's activities as a whole since 1979.<sup>4</sup> Since that time, several attempts have failed either because of poor timing or because the reauthorization bills were loaded with controversial amendments. This 19-year failure to reauthorize the Department has forced the appropriations committees in both houses to reauthorize and appropriate money.

The de facto ceding of the authorization power to the appropriators has diminished the role that the House and Senate Judiciary Committees have traditionally played in overseeing the structure and funding of the Department's activities and programs. The inability of this Committee to regularly reauthorize the Department deprives the Congress of the institutional knowledge and collective wisdom that it has gained through regular oversight. H.R. 3303 is an attempt to reaffirm the authorizing authority and responsibility of the Judiciary Committee.

#### HEARINGS

The Committee held a one day legislative hearing on H.R. 3303 on March 11, 1998. Testifying at the hearing on behalf of the Justice Department were Deputy Attorney General Eric H. Holder and Assistant Attorney General for Administration Stephen Colgate. In addition to this hearing, the Committee has conducted substantial oversight of the Department's activities and programs since the beginning of the 105th Congress. H.R. 3303 is the culmination of this extensive oversight.

#### COMMITTEE CONSIDERATION

On April 29, 1998, the Committee met in open session and ordered reported favorably the bill H.R. 3303, as amended, by a voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

The Committee considered the following amendments, all of which passed, with one exception, by voice votes:

Mr. Hyde offered an amendment to make a number of minor, technical and conforming changes to the bill. The amendment was adopted by a voice vote.

Mr. Conyers offered an amendment to Title I that would make discretionary the requirement that the Attorney General transfer 200 attorneys from Department of Justice headquarters in Washington, D.C. to the U.S. Attorneys. The amendment was adopted by a voice vote.

Mr. McCollum offered an amendment to Title III to strike language that created an ambiguity as to the role of the Federal Bureau of Investigation in guarding the person of the President of the United States. The amendment was adopted by a voice vote.

<sup>3</sup>Act Oct. 15, 1976, P. L. 94-503, Title II, §204, 90 Stat. 2427, provided: "No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice . . . except as specifically authorized by Act of Congress with respect to such fiscal year. . . ."

<sup>4</sup>The 1979 reauthorization was for fiscal year 1980.

Mr. Berman and Mr. Gallegly offered an amendment to Title II that would authorize increased funding to compensate states that have undocumented criminal aliens incarcerated in their prison systems. The amendment would also extend authorization for such funding through fiscal year 2001. The amendment was adopted by a voice vote.

Mr. Bryant offered an amendment to Title I that would authorize the establishment of three Immigration and Naturalization Service district offices and one sub-office. The amendment was adopted by a voice vote.

Ms. Lofgren offered an amendment to Title I that sought to establish a field office in San Jose, California for the Federal Bureau of Investigation. The amendment was defeated by a voice vote.

Final Passage. A motion to report H.R. 3303 favorably, as amended, passed by a voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based in oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 3303, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 7, 1998.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3303, the Department of Justice Appropriation Authorization Act, Fiscal Years 1999, 2000, and 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for

federal costs), who can be reached at 226–2860, and Leo Lex (for the state and local impact), who can be reached at 225–3220.

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

cc: Hon. John Conyers, Jr.,  
Ranking Minority Member.

*H.R. 3303—Department of Justice Appropriation Authorization Act,  
Fiscal Years 1999, 2000, and 2001*

*Summary*

H.R. 3303 would authorize appropriations for fiscal years 1999 through 2001 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Immigration and Naturalization Service, the United States Attorneys, and the Bureau of Prisons. In addition, the bill would make relatively minor changes to the laws that govern the operation of DOJ agencies. Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 3303 would result in additional discretionary spending of about \$48 billion over the 1999–2003 period. This legislation would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

H.R. 3303 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). The bill would increase the authorization of appropriations for a number of DOJ programs, including border control programs operated by the Immigration and Naturalization Service. State, local, and tribal governments may benefit from grant assistance provided through these programs.

*Estimated Cost to the Federal Government*

The estimated budgetary impact of H.R. 3303 is shown in the following table. For the purposes of this estimate, CBO assumes that the amounts authorized by the bill will be appropriated by the start of each fiscal year and that outlays generally will follow the historical spending rates for the authorized activities. We expect some programs to spend additional funds more slowly than the historical rates because the bill would provide substantial increases in authorizations, relative to 1998. The costs of this legislation fall within budget function 750 (administration of justice).

Current law authorizes the appropriation of \$500 million, in total, for the fiscal years 1995 through 1998 for payments to telecommunications carriers for assisting law enforcement agencies. About \$100 million of this amount has been appropriated, and H.R. 3303 would extend the authorization of appropriations through fiscal year 2000. Of the remaining \$400 million, CBO assumes that about \$200 million would be appropriated in each of the fiscal years 1999 and 2000.

[By Fiscal Year, In Millions Of Dollars]

|  | 1998   | 1999   | 2000   | 2001   | 2002  | 2003  |
|--|--------|--------|--------|--------|-------|-------|
| SPENDING SUBJECT TO APPROPRIATION                |        |        |        |        |       |       |
| Spending Under Current Law                       |        |        |        |        |       |       |
| Budget Authority <sup>1</sup> .....              | 12,583 | 0      | 0      | 0      | 0     | 0     |
| Estimated Outlays .....                          | 11,477 | 2,915  | 669    | 154    | 18    | 0     |
| Proposed Changes                                 |        |        |        |        |       |       |
| Estimated Authorization Level .....              | 0      | 15,499 | 16,224 | 16,484 | 0     | 0     |
| Estimated Outlays .....                          | 0      | 11,047 | 14,754 | 16,455 | 4,551 | 1,242 |
| Spending Under H.R. 3303                         |        |        |        |        |       |       |
| Estimated Authorization Level <sup>1</sup> ..... | 12,583 | 15,499 | 16,224 | 16,484 | 0     | 0     |
| Estimated Outlays .....                          | 11,477 | 13,962 | 15,423 | 16,609 | 4,569 | 1,242 |

<sup>1</sup>The 1998 level is the amount appropriated for that year for the programs authorized by the bill. The 1998 appropriation for the entire Department of Justice is about \$18.4 billion.

*Pay-As-You-Go Considerations:*

None.

*Estimated Impact on State, Local, and Tribal Governments*

H.R. 3303 contains no intergovernmental mandates as defined in UMRA. The bill would increase the authorization of appropriations for a number of DOJ programs, including border control programs operated by the Immigration and Naturalization Service. State, local, and tribal governments may benefit from grant assistance provided through these programs.

*Estimated Impact on the Private Sector*

H.R. 3303 contains no new private-sector mandates as defined in UMRA.

*Estimate Prepared By:*

Federal Costs: Mark Grabowicz (226–2860); Impact on State, Local, and Tribal Governments: Leo Lex (225–3220).

*Estimate Approved By:*

Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS

*Sec. 1. Short title and table of contents*

Section 1 contains the Short Title of the bill.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR  
FISCAL YEARS 1999, 2000, AND 2001

SUBTITLE A—SPECIFIC PROVISIONS

*Sec. 101. Sums authorized to be appropriated*

Section 101 authorizes appropriations to carry out the work of the various components of the Department of Justice for fiscal

years 1999, 2000, and 2001. The structure of Title I is similar to the annual Commerce-Justice-State (CJS) appropriations acts in the way the Department's accounts are organized. This organization was deliberate and reflects Congress's working familiarity with CJS. The accounts, and the activities and components that each would fund, are as follows:

*General Administration*—for the leadership offices of the Department, such as the offices of the Attorney General and Deputy Attorney General. Additionally, for the Justice Management Division, Executing Support program, and the Office of Professional Responsibility;

*Administrative Review and Appeals*—for the Executive Office for Immigration Review and the Office of the Pardon Attorney. Additionally, for the administration of pardon and clemency petitions and immigration related activities;

*Office of Inspector General*—for the investigation of allegations of violations of criminal and civil statutes, regulations, and ethical standards by Department employees;

*General Legal Activities*—for the conduct of the legal activities of the Department. This includes the Office of Solicitor General, Tax Division, Criminal Division, Civil Division, Environment and Natural Resources Division, Civil Rights Division, Office of Legal Counsel, and Legal Activities Office Automation;

*Antitrust Division*—for decreasing anti competitive behavior among U.S. businesses and increasing the competitiveness of the national and international business environment;

*United States Attorneys*—for the 94 offices of the U.S. Attorneys and the Executive Office of U.S. Attorneys. The U.S. Attorneys represent the United States in the vast majority of criminal and civil cases handled by the Department;

*Federal Bureau of Investigation*—for the detection, investigation, and prosecution of crimes against the United States. The FBI also plays a primary role in the protection of the United States from foreign intelligence activities;

*United States Marshals Service*—to protect the federal courts and its personnel and to ensure the effective operation of the federal judicial system;

*Drug Enforcement Administration*—to enforce the controlled substances laws and regulations of the United States and to recommend and support non enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets;

*Immigration and Naturalization Service*—for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration;

*Fees and expenses of witnesses*—for fees and expenses associated with providing witness testimony on behalf of the United States, expert witnesses, and private counsel for government employees who have been sued, charged, or subpoenaed for actions taken while performing their official duties;

*Interagency Crime and Drug Enforcement*—for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking;

*Federal Prison System*—for the administration, operation, and maintenance of federal penal and correctional institutions;

*Foreign Claims Settlement Commission*—to adjudicate claims of U.S. nationals against foreign governments under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation;

*Community Relations Service (CRS)*—to assist communities to prevent violence and resolve conflicts arising from racial and ethnic tensions and to develop the capacity of such communities to address these conflicts without external assistance. CRS activities are conducted in accordance with Title X of the Civil Rights Act of 1964;

*Assets Forfeiture Fund*—to provide a stable source of resources to cover the costs of the asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertizing, forfeiting, and disposing of property;

*Support of U.S. prisoners in non federal institutions*—for the support of U.S. prisoners incarcerated in non federal institutions;

*United States Parole Commission*—for the activities of the U.S. Parole Commission. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole.

H.R. 3303 would reauthorize the Department for three years. The Committee believes that a three-year reauthorization cycle is more realistic for the Congress to adhere to. Additionally, a three-year authorization can accurately project the needs of the Department in the out years, where a longer authorization, for example five years, cannot. Section 101 largely adheres to the Department's budget request for fiscal year 1999, and would authorize a 5% increase for both fiscal years 2000 and 2001. The proposed increases for fiscal years 2000 and 2001, though an approximation of the Department's actual budgetary requirements, are the result of consultations with the Department and an analysis of the historical trend. The Committee has a high degree of confidence that the H.R. 3303 appropriation authorizations for fiscal years 2000 and 2001 are accurate.

#### *Sec. 102. Federal Prison Industries*

The Committee recommends a limitation on administrative expenses for the Federal Prison Industries, Inc. The recommended limitations are \$3,042,000 for fiscal year 1999, \$3,429,000 for fiscal year 2000, and \$3,601,000 for fiscal year 2001.

#### SUBTITLE B—GENERAL PROVISIONS

#### *Sec. 151. Appointment of Additional Assistant United States Attorneys*

This section would authorize the Attorney General to transfer 200 lawyers from among the six litigating divisions at Justice Department's headquarters (Main Justice) in Washington, D.C. to the U.S. Attorneys. The provision is intended to raise the productivity of Washington-based lawyers who litigate criminal and civil cases for the Department across the nation by moving them to the field. The rationale behind this provision is that an attorney for the gov-

ernment is most effective when he or she lives in the federal judicial district where his or her cases are pending. Section 151 was amended at markup to make the transfer authorization discretionary rather than mandatory, but the Committee intends that the Attorney General carefully consider whether the Department's litigation needs can be better served by transferring attorneys from Washington, D.C. to the U.S. Attorneys. The Committee is concerned that, with respect to litigation, Main Justice is less efficient compared with the 94 U.S. Attorneys' offices.

## TITLE II—AUTHORIZATIONS OF APPROPRIATIONS FOR PROGRAMS

Title II reauthorizes for two additional years a number of successful programs whose authorization will expire at the end of fiscal year 1998. These reauthorized programs will, for example, expedite the deportation of aliens who have been denied asylum, combat violence against women, and fund additional training for law enforcement officers.

### *Sec. 201. Amendment to the Crime Control and Law Enforcement Act of 1994*

This section reauthorizes the following programs for two additional years:

*Expeditious deportation for denied asylum applicants*—to provide for the expeditious adjudication of asylum claims and for the deportation of those applicants whose asylum applications have been denied;

*Amendments to the Violence Against Women Act of 1994*—to provide to the U.S. Attorneys Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia);

*Improving Border Controls*—to increase the resources of the Border Patrol, the Inspections Program, and the Deportation Branch components of the Immigration and Naturalization Service to apprehend illegal aliens;

*Expanded Special Deportation Proceedings*—to provide resources authorized under the Immigration and Nationality Act to ensure that the Attorney General begins deportation proceedings as soon as possible against criminal aliens who have been released from incarceration. Also, to provide resources for the construction of centers for the detention and removal of criminal aliens;

*Training Programs*—to provide training and technical assistance to probation and parole officers to enhance their management of sex offenders who have been released to the community;

*Missing Alzheimer's Disease Patient Alert Program*—to provide grants to an eligible organization to assist the organization in paying the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which will protect and locate missing patients with Alzheimer's disease and related dementia;

*Motor Vehicle Theft Prevention Program*—to reduce the incidence of vehicle theft through the establishment and operation of a national vehicle theft prevention program administered by the Attorney General;

*Rural Domestic Violence and Child Abuse Enforcement Assistance Act*—to provide resources that implement, expand, and establish cooperative efforts and projects among law enforcement officers, prosecutors, victim advocates and service providers, and other related parties to investigation and prosecution of domestic violence. Also, to provide treatment and counseling to victims of these crimes and to develop domestic violence education and prevention strategies;

*Sec. 202. Amendments to the Antiterrorism and Effective Death Penalty Act of 1996*

This section would continue the authority of the Attorney General to, in consultation with the Director of the Federal Emergency Management Agency, make grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. Additionally, to authorize continued funding of the National Institute of Justice Office of Science and Technology to develop counter terrorism technologies;

*Sec. 203. Authority to transfer property of marginal value*

This section would continue the authority of the Attorney General to transfer real or personal property of limited or marginal value to a state or local governments agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. This section would also provide that any transfers of property shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred.

*Sec. 204. Communications Assistance*

This section amends the Communications Assistance for Law Enforcement Act (CALEA), to authorize the appropriation of a total of \$500,000,000 for fiscal years 1999, 2000, and 2001, to implement the requirements of the Act. CALEA authorizes the Attorney General to pay telecommunication carriers for the costs directly associated with modifying their existing equipment, services, and facilities to allow law enforcement to conduct court-authorized wiretaps. Delay in the implementation of CALEA necessitates the extension of the authorization of appropriations for three additional years.

*Sec. 205 Criminal Alien Assistance*

This section would authorize increased funding for the State Criminal Alien Assistance Program (SCAAP) to compensate states that have undocumented criminal aliens incarcerated in their prison systems. This section would also extend authorization for SCAAP funding through fiscal year 2001. The Committee believes that the federal government should assume the full financial responsibility for the incarceration of criminal aliens by state and local governments. These costs have proven to be substantial, especially for states and localities severely impacted by illegal immigration.

## TITLE III—PERMANENT ENABLING LEGISLATION

*Sec. 301. Permanent Authority*

This section would grant permanent authorization for certain inherent and noncontroversial functions of the Department. The Department has requested permanent authorizing authority in the past, and proposed authority has appeared in several reauthorization bills since the last reauthorization in 1979. Section 301 largely mirrors the language of these earlier bills, except to the extent that it has been updated to meet the changing needs of federal law enforcement in the 1990's. The Committee believes that the Department should have, for example, permanent authority to purchase aircraft, police-type motor vehicles, as well as firearms, ammunition and uniforms for its employees. This permanent authority would be subject to available appropriations.

*Sec. 302. Permanent Authority relating to enforcement of laws*

This section would require the Attorney General to report to Congress when the Attorney General establishes a policy to refrain from enforcing any provision of any federal statute because the Attorney General determines that the provision is not constitutional. This section would also require the Attorney General to report to Congress when a determination is made to contest, or refrain from defending, in any judicial, administrative or other proceeding, any provision of any federal statute because the Attorney General determines that such provision is not constitutional. This section requires the Attorney General to notify the Congress no later than 30 days after the reporting requirement is triggered. The notification requirement will allow Congress to take appropriate action in response to a Department's policy or litigation position in a timely fashion.

*Sec. 303 Protection of the President*

This section would amend 28 U.S.C. § 533(2) to permit the Attorney General to appoint officials to protect the person of the Attorney General in addition to the President of the United States.

## TITLE IV—MISCELLANEOUS

*Sec. 401. Repealers*

This section would repeal the permanent open-ended authorizations of the National Institute of Corrections and the United States Marshals Service, which are unique among Department components. Blanket authorizations in perpetuity immunize these components from the scrutiny of the Committee. Title III grants the Marshals Service narrower permanent authority in line with the permanent authority to be granted other Department components.

*Sec. 402. Technical amendment*

This section makes a technical correction to 28 U.S.C. § 524(c)(5).

*Sec. 403. Applicability of Title III*

This section makes it clear that the amendment made by Title III of the bill shall not apply with respect to funds available for any fiscal year ending before fiscal year 1999.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**VIOLENT CRIME CONTROL AND LAW ENFORCEMENT  
ACT OF 1994**

\* \* \* \* \*

**TITLE IV—VIOLENCE AGAINST WOMEN**

**SEC. 40001. SHORT TITLE.**

This title may be cited as the “Violence Against Women Act of 1994”.

**Subtitle A—Safe Streets for Women**

\* \* \* \* \*

**CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES**

**SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM’S COUNSELORS.**

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)—

- (1) \$500,000 for fiscal year 1996;
- (2) \$500,000 for fiscal year 1997; [and]
- (3) \$500,000 for fiscal year 1998[.];
- (4) \$500,000 for fiscal year 1999; and
- (5) \$500,000 for fiscal year 2000.

\* \* \* \* \*

**CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL  
ASSAULT**

\* \* \* \* \*

**SEC. 40152. TRAINING PROGRAMS.**

(a) \* \* \*

\* \* \* \* \*

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- [(1) \$1,000,000 for fiscal year 1996; and

[(2) \$1,000,000 for fiscal year 1997.]  
(1) \$1,000,000 for fiscal year 1999; and  
(2) \$1,000,000 for fiscal year 2000.

\* \* \* \* \*

**Subtitle B—Safe Homes for Women**

\* \* \* \* \*

**CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT**

**SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.**

(a) \* \* \*

\* \* \* \* \*

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

- (A) \$7,000,000 for fiscal year 1996;
- (B) \$8,000,000 for fiscal year 1997; [and]
- (C) \$15,000,000 for fiscal year 1998[.];
- (D) \$15,000,000 for fiscal year 1999; and
- (E) \$15,000,000 for fiscal year 2000.

\* \* \* \* \*

**TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT**

\* \* \* \* \*

**SEC. 130005. EXPEDITIOUS REMOVAL FOR DENIED ASYLUM APPLICANTS.**

(a) \* \* \*

\* \* \* \* \*

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$64,000,000 for fiscal year 1995;
- (2) \$90,000,000 for fiscal year 1996;
- (3) \$93,000,000 for fiscal year 1997; [and]
- (4) \$91,000,000 for fiscal year 1998[.];
- (5) \$90,000,000 for fiscal year 1999; and
- (6) \$90,000,000 for fiscal year 2000.

**SEC. 130006. IMPROVING BORDER CONTROLS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Immigration and Naturalization Service to increase the resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire—

- (1) \$228,000,000 for fiscal year 1995;
- (2) \$185,000,000 for fiscal year 1996;
- (3) \$204,000,000 for fiscal year 1997; **[and]**
- (4) \$58,000,000 for fiscal year 1998**[.]**;
- (5) *\$200,000,000 for fiscal year 1999; and*
- (6) *\$200,000,000 for fiscal year 2000.*

Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

\* \* \* \* \*

**SEC. 130007. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.**

(a) \* \* \*

\* \* \* \* \*

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$55,000,000 for fiscal year 1995;
- (2) \$54,000,000 for fiscal year 1996;
- (3) \$49,000,000 for fiscal year 1997; **[and]**
- (4) \$2,000,000 for fiscal year 1998**[.]**;
- (5) *\$2,000,000 for fiscal year 1999; and*
- (6) *\$2,000,000 for fiscal year 2000.*

\* \* \* \* \*

**TITLE XXII—MOTOR VEHICLE THEFT PREVENTION**

\* \* \* \* \*

**SEC. 220002. MOTOR VEHICLE THEFT PREVENTION PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to carry out this section.

- (1) \$1,500,000 for fiscal year 1996;
- (2) \$1,700,000 for fiscal year 1997; **[and]**
- (3) \$1,800,000 for fiscal year 1998**[.]**;
- (4) *\$750,000 for fiscal year 1999; and*
- (5) *\$750,000 for fiscal year 2000.*

\* \* \* \* \*

**TITLE XXIV—PROTECTIONS FOR THE ELDERLY**

**SEC. 240001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$900,000 for fiscal year 1996;
- (2) \$900,000 for fiscal year 1997; [and]
- (3) \$900,000 for fiscal year 1998[.];
- (4) \$900,000 for fiscal year 1999; and
- (5) \$900,000 for fiscal year 2000.

\* \* \* \* \*

**ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996**

\* \* \* \* \*

**TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT**

\* \* \* \* \*

**Subtitle B—Funding Authorizations for Law Enforcement**

\* \* \* \* \*

**SEC. 819. LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING.**

(a) \* \* \*

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [for fiscal year 1997, \$5,000,000 to carry out this section] *to carry out this section \$5,000,000 for fiscal year 1999 and \$5,000,000 for fiscal year 2000.*

\* \* \* \* \*

**SEC. 821. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.**

There are authorized to be appropriated to the National Institute of Justice Office of Science and Technology [not more than \$10,000,000 for fiscal year 1997] *\$10,000,000 for fiscal year 1999 and \$10,000,000 for fiscal year 2000*, to—

(1) \* \* \*

\* \* \* \* \*

**TITLE 28, UNITED STATES CODE**

\* \* \* \* \*

**PART II—DEPARTMENT OF JUSTICE**

\* \* \* \* \*

**CHAPTER 31—THE ATTORNEY GENERAL**

**Sec.**

501. Executive department.

\* \* \* \* \*

530B. *Authority to use available funds.*

530C. *Report on enforcement of laws.*

\* \* \* \* \*

**§ 524. Availability of appropriations**

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

(5) Amounts in the Fund, and in any holding accounts associated with the **[Fund]** *Fund*, which are not currently needed for the purpose of this section. shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

\* \* \* \* \*

(9)(A) Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, in her discretion, to warrant clear title to any subsequent purchaser or transferee of such property.

(B) For fiscal **[year 1997]** *years 1999 and 2000*, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. Such transfer shall not create or confer any private right of action in any person against the United States. *Such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred.*

\* \* \* \* \*

**§ 530B. Authority to use available funds**

(a) *PERMITTED USES.—Except to the extent provided otherwise by law applicable to funds available to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) and in addition to authority provided in subsections (a) and (b) of section 524 of this title, the Attorney General may use such funds as follows:*

(1) *GENERAL PERMITTED USES.*—Such funds may be used for the following:

(A) *The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then current fiscal year.*

(B) *The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.*

(C) *Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.*

(D) *Not to exceed \$200,000 for each fiscal year for official receptions and representation expenses, in accordance with distributions, procedures, and regulations established by the Attorney General.*

(E) *Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.*

(F) *Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.*

(G) *In accordance with procedures established and regulations issued by the Attorney General—*

*(i) attendance at meetings and seminars;*

*(ii) conferences and training; and*

*(iii) advances of public moneys under section 3324 of title 31.*

*Travel advances of such funds to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.*

(H) *For the conduct of its activities, including for contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.*

(I) *Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and regulations issued by the Attorney General.*

(2) *SPECIFIC PERMITTED USES.*—

(A) *AIRCRAFT AND BOATS.*—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

(B) *PAYMENT OF REWARDS; PURCHASE OF EVIDENCE.*—Funds available for the Federal Bureau of Investigation, for the Drug Enforcement Administration, for the Immigra-

*tion and Naturalization Service, and for the Federal Prison System may be used for the payment of rewards, for the purchase of evidence, and for payment for information in connection with law enforcement.*

*(C) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for—*

- (i) the purchase of ammunition and firearms; and*
- (ii) participation in firearms competitions.*

*(3) UNIFORMS.—Funds available for the Immigration and Naturalization Service and for the Federal Prison System may be used for expenses or allowances for uniforms as authorized by section 5901 of title 5 but without regard to the general purchase price limitation for the then current fiscal year.*

*(4) FEES AND EXPENSES OF WITNESSES.—Funds available for Fees and Expenses of Witnesses may be used for expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law (including advances of public money), but no witness may be paid more than 1 attendance fee for any 1 calendar day.*

*(5) FEDERAL BUREAU OF INVESTIGATION.—(A) Funds available to the Federal Bureau of Investigation may be used for the conduct of its activities, including for—*

- (i) expenses necessary for the detection and prosecution of crimes against the United States;*
- (ii) protection of the person of the Attorney General;*
- (iii) investigations regarding official matters under the control of the Department of Justice and the Department of State, as may be directed by the Attorney General;*
- (iv) the confidential lease of surveillance sites for law enforcement purposes; and*

*(v) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, of cities, and of such other institutions, as authorized by law, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies.*

*(B)(i) The Federal Bureau of Investigation may establish and collect fees for the processing of noncriminal employment and licensing fingerprint records. Such fees shall represent the full cost of furnishing the service.*

*(ii) Such fees collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to section 3302(b) of title 31 and, to the extent specified in appropriations Acts, shall be available until expended for salaries and other expenses incurred in processing such records.*

*(iii) No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice*

agencies for criminal justice purposes or for employment in criminal justice agencies.

(6) *IMMIGRATION AND NATURALIZATION SERVICE.*—Funds available for the Immigration and Naturalization Service may be used for the administration and enforcement of laws relating to immigration, naturalization, and alien registration, including for—

(A) acquisition of land as sites for enforcement fences, and construction incidental to such fences;

(B) cash advances to aliens for meals and lodging en route;

(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

(7) *FEDERAL PRISON SYSTEM.*—Funds available for the Federal Prison System may be used for the conduct of its activities, including for—

(A) the administration, operation, and maintenance of Federal penal and correctional institutions, including inmate medical services and inmate legal services, within the Federal prison system;

(B) planning, acquisition of sites, and construction of new facilities, including—

(i) the purchase and acquisition of facilities, and remodeling and equipping of such facilities, for penal and correctional institutions; and

(ii) the payment of United States prisoners for work performed in the activities described in this subparagraph;

which shall remain available until expended;

(C) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18;

(D) the labor of the United States prisoners performed in the construction, remodeling, renovating, converting, expanding, planning, designing, maintaining, or equipping of prison buildings or facilities; and

(E) the purchase and exchange of farm products and livestock.

(b) *RELATED PROVISIONS.*—

(1) *LIMITATION ON COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.*—None of the funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

(2) *REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.*—Funds available to the Attorney General that are paid as a reimbursement to a governmental unit in the Department of Jus-

*tice, to another Federal entity, or to a unit of State or local government may be used under the authority applicable to such unit or such entity that receives such reimbursement.*

**§ 530C. Report on enforcement of laws**

*(a) REPORT REQUIRED.—The Attorney General shall transmit a report to each House of the Congress in any case in which the Attorney General—*

*(1) establishes a policy to refrain from enforcing any provision of any Federal statute whose enforcement is the responsibility of the Department of Justice, because of the position of the Attorney General that such provision is not constitutional; or*

*(2) determines that the Department of Justice will contest, or will refrain from defending, in any judicial, administrative, or other proceeding, any provision of any Federal statute, because of the position of the Attorney General that such provision is not constitutional.*

*(b) DEADLINE FOR REPORT.—Any report required by subsection (a) shall be transmitted not later than 30 days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—*

*(1) specify the provision of the Federal statute involved;*

*(2) include a detailed statement of the reasons for the position of the Attorney General; and*

*(3) in the case of a determination specified in subsection (a)(2), indicate the nature of the proceeding involved.*

*(c) DECLARATION.—In the case of a determination specified in subsection (a)(2), the representative of the Department of Justice participating in the proceeding shall make a declaration in such proceeding that the position of the Attorney General on the constitutionality of the provision of the Federal statute involved is the position of the executive branch of the Federal Government.*

\* \* \* \* \*

**CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION**

\* \* \* \* \*

**§ 533. Investigative and other officials; appointment**

The Attorney General may appoint officials—

(1) \* \* \*

(2) to assist in the protection of the person of the President or the person of the Attorney General; and

\* \* \* \* \*

**CHAPTER 37—UNITED STATES MARSHALS SERVICE**

**§ 561. United States Marshals Service**

(a) \* \* \*

\* \* \* \* \*

[(i) There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.]

\* \* \* \* \*

**SECTION 110 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT**

**SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title a total of \$500,000,000 for fiscal years 1995, 1996, 1997, [and 1998] 1998, 1999, and 2000. Such sums are authorized to remain available until expended.

**IMMIGRATION AND NATIONALITY ACT**

\* \* \* \* \*

**TITLE II—IMMIGRATION**

\* \* \* \* \*

**CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL**

\* \* \* \* \*

**DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED**

**SEC. 241. (a) \* \* \***

\* \* \* \* \*

**(i) INCARCERATION.—**

**(1) \* \* \***

\* \* \* \* \*

(5) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

- [(A) \$130,000,000 for fiscal year 1995;
- [(B) \$300,000,000 for fiscal year 1996;
- [(C) \$330,000,000 for fiscal year 1997;
- [(D) \$350,000,000 for fiscal year 1998;
- [(E) \$350,000,000 for fiscal year 1999; and
- [(F) \$340,000,000 for fiscal year 2000.]
- (A) \$750,000,000 for fiscal year 1999;
- (B) \$800,000,000 for fiscal year 2000; and
- (C) \$850,000,000 for fiscal year 2001.

\* \* \* \* \*

**CHAPTER 319 OF TITLE 18, UNITED STATES CODE**

**CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS**

Sec.

4351. Establishment; Advisory Board; appointment of members; compensation; officers; committees; delegation of powers; Director, appointment and powers.

\* \* \* \* \*

**[4353. Authorization of appropriations.]**

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**[SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.]**

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