

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 2003. Sections 101 through 108 remain unchanged. Sections 109 through 113 are requested for deletion and section 114, renumbered Section 109, is substantively unchanged from the 2001 enacted provisions.

Section 101, states that a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General, is unchanged from the 2001 provision.

Section 102 states that the authorizations contained in Public Law 96-132, The "Department of Justice Appropriation Authorization Act, Fiscal Year 1980" until the effective date of a subsequent Department of Justice Appropriations Authorization Act.

Section 103 states that none of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape.

Section 104 states that none of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion; and that should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

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

Section 106 states that notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds appropriated to the Department of Justice in this Act may be used for publicly advertised, extraordinary rewards, which are not subject to the spending limitations contained in sections 3059 and 3072 of title 18, United States Code. Any rewards of \$100,000 or more, up to a maximum of \$2,000,000 must be personally approved by the President or the Attorney General.

Section 107 states that not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, may be transferred between such appropriations, but no appropriation, except as otherwise specified, shall be increased by more than 10 percent by such transfers. Any transfers pursuant to this section must be treated as a reprogramming of funds under section 605 of this Act.

Section 108 states that notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This allows \$1,000,000 from the mentoring program to be used for technical assistance.

Section 109 continues in effect section 114 of the 2002 Act, which states that the Attorney General can grant posthumous citizenship, as of September 10, 2001, to persons injured or killed in the terrorist attacks of September 11, 2001. It is anticipated that this authority will be needed at least through 2003.

The following sections propose new provisions for 2003.

Section 110 proposes authorizing the Land Border Inspection Fee account (Section 286(q) of the Immigration and Nationality Act) to deposit fees for processing forms I-94, I-94W, and I-68 into this account, rather than in the Examinations Fee account. If enacted, inspections positions supported by these fees would be moved from the Examinations Fee account to the Land Border Inspection Fee account for FY 2003.

Section 111 provides that for fiscal year 2003 and thereafter, whenever the FBI participates in a cooperative project to improve law enforcement or national security operations or services with a friendly foreign country on a cost-sharing basis, that country's share of the project may be credited to any current appropriations available to the FBI. This will allow the FBI to enter into cooperative projects with foreign countries in order to improve law enforcement or intelligence operations and services.

Section 112 provides that for fiscal year 2003 and thereafter, the Director of the FBI is authorized to establish and collect a fee to defray the costs of railroad police officers participating in FBI law enforcement training programs authorized by P.L. 106-110, and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to the FBI, Salaries and Expenses appropriation to be available until expended and to be used for salaries and expenses incurred in providing those services.

Section 113 amends section 151 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (5 U.S.C. 5928 note), by inserting "or Federal Bureau of Investigation" after "Drug Enforcement Administration". This provision will provide special danger pay allowances for FBI agents in hazardous duty locations outside the United States, as is provided for the agents of the Drug Enforcement Administration.

Section 114 amends Section 1001(2) of Public Law 107-56. This new language will allow the Department to provide public information through the necessary media vehicle, rather than through all types indicated.

The following sections are proposed for deletion and do not appear in the 2003 request. The section numbers are those in the 2002 Appropriations Act. Most of these sections amend the underlying statute or are permanent authorities and, thus, do not need to be continued.

Section 109 amended Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) by increasing the current user fee by \$1.00, to \$7.00, and lifted the cruise ship exemption and institute of \$3.00 cruise ship fee from passengers whose journeys originated in Mexico, Canada, the United States, a territory or possession of the United States, or any island adjacent to the United States. Since this statute was amended permanently, this provision is no longer required.

Section 110 amended Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 to provide that the Attorney General is authorized to increase from 6 to 96 the number of land border ports of entry pilot projects. Since this statute was amended permanently, this provision is no longer required.

Section 111 amended Section 1402(d)(3) of the Victims of Crime act of 1984, which allows the Crime Victims Fund to be used for the Victims Notification System. Since this statute was amended permanently, this provision is no longer required.

Section 112 amended Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) to extend the applicability of that Act from 18 months to 36 months to certain former spouses of deceased Hmong veterans. Since this statute was amended permanently, this provision is no longer required.

Section 113 made the authority that no provision of section 614 of Public Law 107-56 shall incorporate the organization that administers title I of the Violent Crime Control and Law Enforcement Act of 1994 (the Community-Oriented Policing Services), its programs and functions, into the Office of Justice Programs, for fiscal year 2002 and thereafter. This makes the authority permanent, therefore, this section is no longer required.

Section 115 amends Section 231 (a) of the Immigration and Nationality Act, 8 U.S.C. 1221(a). This section requires arrival and departure manifests, forms, and contents for persons arriving and departing at United States ports of entry. Since this statute was amended permanently, this provision is no longer required.