

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 2002. Section 101 remains unchanged. Section 102 is requested for deletion and renumbered Sections 102 through 107 are substantively unchanged from the 2001 enacted provisions.

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

Section 102 (section 103 of the 2001 Act), 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 103 (section 104 of the 2001 Act), which is unchanged, states that none of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion; and that should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Section 104 (section 105 of the 2001 Act), which is unchanged, 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 105 (section 106 of the 2001 Act), which is unchanged, 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 106 (section 107 of the 2001 Act) states that not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, may be transferred between such appropriations, but no appropriation, except as otherwise specified, shall be increased by more than 10 percent by such transfers. Any transfers pursuant to this section must be treated as a reprogramming of funds under section 605 of this Act. This section remains unchanged, except for the removal of the Violent Crime Reduction Trust Fund language, for which authorization expired at the end of 2000, and for which no appropriation was provided in 2001 or requested in 2002.

Section 107 (section 116 of the 2001 Act) 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 108 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 109 provides that for fiscal year 2002 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 110 provides that for fiscal year 2002 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 111 provides that in instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from the private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit payments made for such work to any appropriation charged for the services.

Section 112 amends section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1356), as amended. Proposed language would increase the current user fee by \$1.00, to \$7.00, and would lift the cruise ship exemption and institute a \$3.00 cruise ship fee from passengers whose journeys originated in Mexico, Canada, the United States, a territory or possession of the United States, or any island adjacent to the United States. However, it would not apply to immigration inspection at designated ports-of-entry for passengers arriving by Great Lakes international ferries or Great Lakes vessels on the Great Lakes and connecting waterways, when operating on a regular schedule. The user fee was last increased (from \$5.00 to \$6.00) in FY 1994.

The following sections are proposed for deletion and do not appear in the 2002 request. The section numbers are those in the 2001 Appropriations Act. Most of these sections amend the underlying statute or are permanent authorities and, thus, do not need to be continued.

Section 102 deletes language that continues 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. This section makes this authorization permanent, until the authorization of an appropriations authorization act. Therefore, this section is no longer required.

Section 108 made the authority of section 108(a) of the Department of Justice Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) permanent. Therefore this section is no longer required. Section 108(a) provides that the Assistant Attorney General for Office of Justice Programs may make grants or enter into cooperative agreements or contracts for all components of OJP and that the AAG/OJP has final authority over all such grants, agreements or contracts with listed exceptions.

Section 109 stated that the authority of section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31) shall apply for fiscal year 2001. This section is no longer required since the Department now has authorizing language for the Office of Justice Programs to make such grants to victim service organizations and other related victim services in the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).

Section 110 permanently amended section 641(e)(4)A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208), by stating that except in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$35. Therefore, this section is no longer needed.

Section 111 made permanent the authority of section 115 of the Department of Justice Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) and, therefore, this section is no longer required. Section 115 prohibited funds in the Act or any other Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed on or after the date of the enactment of the Act.

Section 112 amended section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) and, therefore, this section is no longer required. This language provided for the establishment of a Genealogy Fee for providing genealogy research and information services and depositing the fees as offsetting collections into the Examinations Fee Account. The language also provided for the Attorney General to establish and collect a premium fee for employment-based petitions and applications. The fees collected shall be deposited in the Immigration Examinations Fee account, and the Attorney General may adjust the fee according to the Consumer Price Index.

Section 114 amended section 1402(d)(3) of Public Law 98-473. This amendment inserted "and the Federal Bureau of Investigation" after "United States Attorneys Offices," and allows funds to be provided to the FBI from the Crime Victims Fund to improve services to crime victims. Since the statute was amended permanently, this provision is no longer required.

Section 115 permanently allows funds appropriated to the Federal Bureau of Prisons (BOP) to be used to place prisoners in privately-operated prisons who are persons sentenced to incarceration under the District of Columbia Code. The Director of BOP must determine that such placement is consistent with Federal classification standards. Since the provision is permanent, this section is no longer required.

Section 117 provided a one-time transfer of funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to the Violent Offender Incarceration and Truth in Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act. Therefore, this section is no longer required.

Section 118 provides that, notwithstanding any other provision of law, with respect to any grant programs for which amounts are made available, no grant funds may be provided to any local jail that runs a “pay-to-stay” program. This section makes this authorization permanent and, therefore, is no longer required.

Section 119 permanently authorizes that the Attorney General, notwithstanding any other provision of law, including section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities on any reasonable basis. Therefore, this section is no longer required.

The following sections are proposed for deletion and do not appear in the 2002 request. These provisions were enacted in Division A of the Miscellaneous Appropriations Act, 2001 (section 1(a)(4) of P.L. 106-554). These sections permanently amended the underlying statute or provided one-time supplemental funding and are no longer required.

Section 201 permanently amended Chapter 2 of title II of division B of Public Law 106-246 (114 Stat. 542), the Fiscal Year 2001 Military Construction Appropriations Act, under Chapter 2, Department of Justice, Salaries and Expenses, United States Attorneys language, in the matter immediately under the first heading: (1) by inserting, “(or the state, in the case of New Mexico)” before “only”; and (2) by inserting, “detention costs,” after “court costs,”. This provision is no longer required since a permanent amendment was made.

Section 202 provided one-time supplemental funding for “United States Attorneys, Salaries and Expenses” in the Department of Justice Appropriations Act, 2001, including \$10,000,000 for the State of Texas and \$2,000,000 for the State of Arizona, to reimburse county and municipal governments for federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. Therefore, this section is no longer required.

Section 203 provided one-time supplemental funding of \$9,000,000 for “State and Local Law Enforcement Assistance, Office of Justice Programs” in the Department of Justice Appropriations Act, 2001, for an award to the Alliance of Boys & Girls of South Carolina for the establishment of the Strom Thurmond Boys & Girls Club National Training Center. Therefore, this section is no longer required.

Section 204 provided for one-time supplemental funding of \$500,000, in addition to any amounts made available for “State and Local Law Enforcement Assistance” within the Department of Justice, to be made available only for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws. Therefore, this section is no longer required.

Section 205, in addition to other amounts made available for the COPS technology program of the Department of Justice, provided one-time funding of \$4,000,000 to be available to the State of South Dakota to establish a regional radio system to facilitate communications between federal, state, and local law enforcement agencies, firefighting agencies, and other emergency services agencies. Therefore, this section is no longer required.