

DEPARTMENT OF JUSTICE
2005 APPROPRIATION LANGUAGE CHANGES

The information provided below describes substantive changes from the FY 2004 Consolidated Appropriations Act. Changes such as new funding levels, changes in the number of motor vehicles, or changes in references to fiscal years are not discussed.

Impact of the 21st Century Department of Justice Authorization Appropriations Act (P.L. 107-273). General authorizations provided in this act permanently provided: 1) authority for accounting for confidential expenditures solely under the certificate of the Attorney General; 2) authority to purchase vehicles for law enforcement purpose without regard to the general purchase price limitation; and 3) designation of construction-related activities such as planning, designing, equipping, renovating, modernizing, remodeling, maintaining, and repairing as part of a general construction authority; the construction-related terms are no longer repeated in the Department’s annual appropriations language, but are included under the general term construction.

Impact of Program Restructuring on Appropriations language. Consistent with Government Performance and Results Act, the FY 2005 budget proposes to streamline its budget account structure to produce a more thematic presentation of both budget and performance information, thereby enhancing the understanding of programs as they relate to performance. The restructuring proposal includes the merger of DOJ construction accounts in its corresponding component operating accounts, for which resources are provided. In addition, the state and local assistance programs are reflected as three appropriations: Justice Assistance, Community Oriented Policing Service, and Crime Victims Fund. The appropriations language for the affected components is restructured to reflect these proposals.

Program	Language Changes
General Administration, Salaries and Expenses	Language is deleted that places restrictions on the Department Leadership Program and the Offices of Legislative and Public Affairs in terms of positions, workyears, appropriation amounts, and augmentation through the use of details.
Joint Automated Booking System	Previous program title, “Identification Systems Integration,” is deleted.
Integrated Automated Fingerprint Identification System	Previous program title, “Identification Systems Integration,” is deleted.
Counterterrorism Fund	All language is deleted. No appropriation is requested for 2005.
Detention Trustee	Delete language “who shall exercise all power and functions...in the custody of the United States Marshals Service”, “;the management of funds appropriated...with respect to the exercise of detention policy setting and operations for the Department”, and “Provided further, That the Trustee working in consultation with the Bureau of Prisons...no later than 180 days following the enactment of this Act”. The first two clauses are not needed as the Detention Trustee’s authority is detailed in 28 USC 530C(b)(7). The third clause relates to a 2004 plan and does not need to be repeated in 2005.

General Legal Activities	Language is added to the Radiation Exposure Compensation Trust Fund requesting discretionary appropriated resources to supplement the mandatory Trust Fund's capped levels in the authorizing language.
United States Attorneys, Salaries and Expenses	Language is deleted for funding for "Operation Streetsweeper" and Project Seahawk.
U.S. Marshals Service, Salaries and Expenses	Language is deleted that provides for specific funding in 2004 for fugitive apprehension task forces and supervisory deputy marshals for courthouse security. Language is proposed to specify that the \$4,000,000 that is to remain available until expended is for information technology systems. Language is deleted that specifies position and full-time equivalent workyear limitations. Although erroneously not included in the President's Budget, the Marshals Service request proposes to merge the construction account with the Salaries and Expenses account.
Fees and Expenses of Witnesses	Language is proposed deleting "planning," "renovations, maintenance, remodeling, and repair," "and the purchase of equipment incident thereto." The Department of Justice Authorization Act, 28 USC 530C(b)(2)(c) defines construction. Language is included to clarify the intended use of \$7,000,000 earmark.
Interagency Crime and Drug Enforcement (OCDETF)	Language is proposed to provide no-year authority up to \$50,000,000. Language is also proposed to revert any unobligated balances to the Attorney General for reallocation among participating organizations in succeeding fiscal years. These proposed language changes would reinstate language enacted prior to FY 2004.
Federal Bureau of Investigation, Salaries and Expenses	Language is proposed to merge the Construction appropriation with the Salaries and Expenses appropriation in 2005. Language is deleted that specifies position and full-time equivalent workyear limitations. Language is proposed to provide authority to charge fees for forensic services provided to state and local law enforcement and to retain and use them for FBI salaries and expenses associated with those activities.
Drug Enforcement Administration, Salaries and Expenses	Language is proposed to increase representational fund authority from \$50,000 to \$100,000. Language is deleted relating to staffing caps. Language is proposed to provide 2-year authority for the buildout, repair, alterations, and maintenance of DEA leased or owned facilities. Language is proposed to provide 2-year authority for electronic investigations, including contract linguists. Language is proposed to provide no-year authority to purchase, lease, maintain, and operate aircraft and aircraft equipment. Language is proposed to provide authority to charge fees for forensic services provided to state and local law enforcement and to retain and use them for DEA salaries and expenses associated with those activities.
Bureau of Alcohol, Tobacco, Firearms and Explosives	Language is proposed to rescind \$1,500,000 in prior year unobligated balances.
Federal Prison System	Language is proposed in 2005 to merge the Federal Prison System's Buildings and Facilities account with the Salaries and Expenses account to form one account.

Office of Justice Programs Justice Assistance	Language is proposed in 2005 to merge the State and Local Law Enforcement Assistance, Weed and Seed Program, Juvenile Justice Programs and the Public Safety Officer's Benefits accounts, into a consolidated Justice Assistance account. Language is also proposed to rescind \$53,471,000 in prior year unobligated balances.
Community Oriented Policing Services	Language is proposed to decrease the amount of funding available for the COPS Office, as a result of transferring and realigning programs historically appropriated to COPS but administered by the Office of Justice Programs. Language is proposed to eliminate the Public Safety and Community Policing Grants for hiring pursuant to Title I of the 1994 Act. Language is proposed to reinstate the training and technical assistance program as a separate, standalone program and rename it as community policing development initiatives. Language is also proposed to rescind \$53,471,000 in prior year unobligated balances.
Office on Violence Against Women	Language is proposed in 2005 to create this as an independent office. Language is proposed to decrease the amount of funding available for the OVW Office, as a result of transferring and realigning programs appropriated under this account but administered by the Office of Justice Programs.